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Boston.

4/4/99.

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1898,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING
CHANGES IN THE STATUTES, CHANGES OF
NAMES OF PERSONS, ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



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A CONSTITUTION

OR

FORM OF GOVERNMENT

FOR THE

Commonwealth of Massachusetts.

PREAMBLE.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into

Objects of
government.

Body politic,
how formed.
Its nature.

CONSTITUTION OF THE

an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein.
2 Cush. 104.
12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession of sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art. XI. substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of God, and of public instructions in piety, religion, and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers

Legislature empowered to compel provision for public worship;

of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, etc.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected.
8 Met. 162.
Subordination of one sect to another prohibited.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, etc.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

born a magistrate, lawgiver, or judge, is absurd and unnatural.

Objects of government; right of people to institute and change it.

VII. Government is instituted for the common good for the protection, safety, prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestible, unalienable, and inalienable right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause the public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office. For the definition of "inhabitant," see Ch. 1, Sect. 2, Art. II. Right of protection and duty of contribution correlative.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

Taxation founded on consent. 16 Mass. 326. 1 Pick. 418. 7 Pick. 344. 12 Pick. 184, 467. 16 Pick. 87. 23 Pick. 360. 7 Met. 388. 4 Gray, 474. 7 Gray, 363. 14 Gray, 154. 1 Allen, 150. 4 Allen, 474. Private property not to be taken for public uses without, etc. 6 Cush. 327. 14 Gray, 155. 16 Gray, 417, 431.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of the protection; to give his personal service, or an equivalent when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of the commonwealth are not controllable by any other law than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52,
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	358, 363, 410, 413.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 428, 441.	129 Mass. 559.
100 Mass. 544, 510.	111 Mass. 130.		

Remedies, by recourse to the law, to be free, complete and prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it.

completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially, and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

107 Mass. 172, 180. 118 Mass. 443, 451. 122 Mass. 332. 127 Mass. 550, 554.
108 Mass. 5, 6. 120 Mass. 118, 120. 124 Mass. 464. 129 Mass. 559.

Prosecutions regulated.
8 Pick. 211.
10 Pick. 9.
18 Pick. 434.
21 Pick. 542.
2 Met. 329.
12 Cush. 246.
1 Gray, 1.
5 Gray, 160.
8 Gray, 329.
10 Gray, 11.
11 Gray, 438.
2 Allen, 361.
11 Allen, 238-240, 264, 439, 473.
12 Allen, 170.
97 Mass. 570, 573.
100 Mass. 287, 295.
103 Mass. 418.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury in criminal cases, except, etc.
8 Gray, 329, 373.
103 Mass. 418.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

Crimes to be proved in the vicinity.
2 Pick. 550.
121 Mass. 61, 62.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Right of search and seizure regulated.
Const. of U. S., Amend't IV.
2 Met. 329.
5 Cush. 369.
1 Gray, 1.
13 Gray, 454.
10 Allen, 403.
100 Mass. 136, 139.
126 Mass. 269, 273.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, etc.
Const. of U. S., Amend't VII.
2 Pick. 382.
7 Pick. 366.
5 Gray, 144.
8 Gray, 373.
11 Allen, 574, 577.
102 Mass. 45, 47.

114 Mass. 388, 390. 122 Mass. 505, 516. 125 Mass. 182, 188.
120 Mass. 320, 321. 123 Mass. 590, 593. 128 Mass. 600.

Liberty of the press.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil. 5 Gray, 121.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent. 8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duty ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Ex post facto
laws prohibited.
12 Allen, 421,
424, 428, 434.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Legislature not
to convict of
treason, etc.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Excessive bail or
fines, and cruel
punishments,
prohibited.
5 Gray, 482.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be
quartered in any
house, unless,
etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt
from law-mar-
tial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of su-
preme judicial
court.
3 Pick. 471.
1 Gray, 472.
4 Allen, 591.
7 Allen, 385.
105 Mass. 219,
221, 225.
Tenure of their
office.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Salaries.

Separation of
executive, judi-
cial, and legis-
lative depart-
ments.
2 Cush. 577.
2 Allen, 361.
8 Allen, 247, 253.
100 Mass. 282,
286.
114 Mass. 247,
249.
116 Mass. 317.
129 Mass. 559.

CONSTITUTION OF THE

PART THE SECOND.

The Frame of Government.

Title of body
politic.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

Legislative
department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives ; each of which shall have a negative on the other.

For change of
time, etc., see
amendments,
Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary ; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May ;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.
99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal ; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated ; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law : but in all such cases,

Bill may be
passed by two-
thirds of each
house, notwith-
standing.

the votes of both houses shall be determined by yeas and nays ; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same : whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed ; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without ; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof ; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for ; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to

For exception in case of adjournment of the general court within the five days, see amendments, Art. I. 3 Mass. 567.

General court may constitute judicatories, courts of record, etc. 8 Gray, 1. 12 Gray, 147, 154.

Courts, etc., may administer oaths.

General court may enact laws, etc.

9 Gray, 426.

4 Allen, 473.

12 Allen, 223,

237.

190 Mass. 544,

557.

116 Mass. 467,

470.

may enact laws, etc., not repugnant to the constitution. 6 Allen, 358.

may provide for the election or appointment of officers. 115 Mass. 602.

may prescribe their duties.

may impose taxes, etc.
 12 Mass. 252.
 5 Allen, 428.
 6 Allen, 558.
 8 Allen, 247, 253.
 10 Allen, 235.
 11 Allen, 268.
 12 Allen, 77, 223,
 235, 238, 240, 298,
 300, 312, 313, 500,
 612.
 98 Mass. 19.
 100 Mass. 285.
 101 Mass. 573,
 585.
 103 Mass. 267.
 114 Mass. 388,
 391.
 116 Mass. 461.
 118 Mass. 386,
 389.
 123 Mass. 493,
 495.
 127 Mass. 413.

may impose taxes, etc., to be disposed of for defence, protection, etc.
 8 Allen, 247, 256.
 Valuation of estates once in ten years, at least, while, etc.
 8 Allen, 247.
 126 Mass. 547.

this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

CHAPTER I.

SECTION II.

Senate.

Senate, number of, and by whom elected.
 Superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXII.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thir-

For provision as to councillors, see amendments, Art. XVI.

teen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz. : — Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Counties to be districts, until, etc.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word “inhabitant” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

Manner and time of choosing senators and councillors. See amendments, Arts. X. and XV. As to cities, see amendments, Art. II. Provisions as to qualifications of voters, superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. Word “inhabitant” defined. See also amendments, Art. XXIII., which was annulled by Art. XXVI. 12 Gray, 21. 122 Mass. 595, 597.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January. See amendments, Art. X.

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

Senate to be final judge of elections, etc., of its own members.

of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as

pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

Time changed to first Wednesday of January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

Vacancies, how filled. Changed to election by people. See amendments, Art. XXIV.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Qualifications of a senator. Property qualification abolished. See amendments, Art. XIII. For further provision as to residence, see also amendments, Art. XXII.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

Senate not to adjourn more than two days.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

shall choose its officers and establish its rules.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place

shall try all impeachments.

Oath.

Limitation of sentence.

of honor, trust, or profit, under this commonwealth; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Quorum.
See amend-
ments, Arts.
XXII. and
XXXIII.

IX. [Not less than sixteen members of the senate shall constitute a quorum for doing business.]

CHAPTER I.

SECTION III.

House of Representatives.

Representation
of the people.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representa-
tives, by whom
chosen.
Superseded by
amendments,
Arts. XII. and
XIII., which
were also
superseded by
amendments,
Art. XXI.
7 Mass. 523.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives; every corporate town containing six hundred ratable polls may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.]

Proviso as to
towns having
less than 150
ratable polls.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Towns liable to
fine in case, etc.

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Expenses of
travelling to
and from the
general court,
how paid.
Annulled by
Art. XXXV.

[The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.]

Qualifications of
a representa-
tive.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at

least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

New provision as to residence. See amendments, Art. XXI. Property qualifications abolished by amendments, Art. XIII.

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

Qualifications of a voter. These provisions superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. See also amendments, Art. XXIII., which was annulled by Art. XXVI. Representatives, when chosen.

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House alone can impeach.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

House to originate all money bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

Not to adjourn more than two days.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

Quorum. See amendments, Arts. XXI. and XXXIII.

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the

To judge of returns, etc., of its own members; to choose its officers and establish its rules, etc. May punish for certain offences. 14 Gray, 226.

house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending the general assembly.

Senate.
Governor and council may punish.
General limitation.
14 Gray, 226.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

His title.

To be chosen annually.
Qualifications.
[See amendments, Arts. VII. and XXXIV.]

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; [and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds;] [and unless he shall declare himself to be of the Christian religion.]

By whom chosen, if he have a majority of votes.

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall,

in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and [in case of an election by a majority of all the votes returned], the choice shall be by them declared and published; [but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.]

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.
How chosen, when no person has a majority.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said

May adjourn or prorogue the general court upon request, and convene the same.
As to dissolution, see amendments, Art. X.

court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

As to dissolution, see amendments, Art. X.

Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

Limitation.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

Governor and council may pardon offences, except, etc.

But not before conviction.
109 Mass. 323.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Judicial officers, etc., how nominated and appointed.
For provisions as to election of attorney-general, see amendments, Art. XVII.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

Militia officers, how elected.
Limitation of age struck out by amendments, Art. V.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

How commissioned.

Election of officers.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Major-generals, how appointed and commissioned.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elec-

Vacancies, how filled, in case, etc.

tions, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Adjutants, etc., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers, how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Money, how drawn from the treasury, except, etc. 13 Allen, 593.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, etc., to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall ex-

hibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws : and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—His HONOR; and who shall be qualified, in point of [religion,][property.]and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of repre-

Lieutenant-governor; his title and qualifications. See amendments, Arts. VII. and XXXIV.

How chosen.

Election by plurality pro-

vided for by amendments, Art. XIV.

President of council.
Lieutenant-governor a member of, except, etc.

Lieutenant-governor to be acting governor, in case, etc.

sentatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

Council.
Number of councillors changed to eight.
See amendments, Art. XVI.

Number; from whom, and how chosen.
Modified by amendments, Arts. X and XIII.
Superseded by amendments, Art. XVI.

If senators become councillors, their seats to be vacated.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Rank of
councillors.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

No district to
have more than
two.

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of
council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exer-
cise the power
of governor in
case, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may
be adjourned
until, etc.

Order thereof.
Superseded by
amendments.
Arts. XVI. and
XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, etc.

ARTICLE I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible

Secretary, etc.,
by whom and
how chosen.
For provision as
to election of
secretary, treas-
urer, and re-
ceiver-general,
and auditor and
attorney-gen-
eral, see amend-
ments, Art.
XVII.

Treasurer ineligible for more than five successive years.

as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

Secretary to keep records; to attend the governor and council, etc.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, etc. But may be removed on address.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Justices of supreme judicial court to give opinions when required. 122 Mass. 600. 126 Mass. 537, 561.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of the peace; tenure of their office. 3 Cush. 584.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

Provisions for holding probate courts. 12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Marriage, divorce, and alimony. Other provisions made by law. 105 Mass. 327. 116 Mass. 317.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE AND ENCOURAGEMENT OF LITERATURE, ETC.

SECTION I.

The University.

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this and the other United States of America, —it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to

Harvard College.

Powers, privileges, etc., of the president and fellows, confirmed.

have, hold, use, exercise, and enjoy ; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

All gifts, grants,
etc., confirmed.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively ; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Who shall be
overseers.

See Statutes,
1851, 224.
1852, 27.
1859, 212.
1865, 173.
1880, 65.

Power of altera-
tion reserved to
the legislature.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College ; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates ; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College ; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, etc.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties ; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them ; especially the university at Cambridge, public schools and grammar schools in the towns ; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country ; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings ; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII. 12 Allen, 500-503. 103 Mass. 94, 97

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz. :

Oaths, etc.

“ I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth ; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the pres-

ence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

For new oath of allegiance, see amendments, Art. VI.

[“ I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state ; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God.”]

Oath of office.

“ I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, God.”

Proviso. See amendments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the

people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*“ I do swear,” “ and abjure,” “ oath or,” “ and abjuration,”* in the first oath, and in the second oath, the words] *“ swear and,”* and [in each of them] the words *“ So help me, GOD ;”* subjoining instead thereof, *“ This I do under the pains and penalties of perjury.”*

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly ; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being ; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Oaths and affirmations, how administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state ; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

Plurality of offices prohibited to governor, etc., except, etc. See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz. : judge of probate — sheriff — register of probate — or register of deeds ; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject. 1 Allen, 553.

No person holding the office of judge of the supreme judicial court — secretary — attorney-general — solicitor-general — treasurer or receiver-general — judge of probate — commissary-general — [president, professor, or instructor of Harvard College] — sheriff — clerk of the house of representatives — register of probate — register of deeds — clerk of the supreme judicial court — clerk of the inferior court of common pleas — or officer of the customs, including in this description naval officers — shall at the

Incompatible offices. For further provisions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Incompatible
offices.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, etc.,
disqualify.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Value of money
ascertained.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Property quali-
fications may
be increased.
See amend-
ments, Arts.
XIII. and
XXXIV.

Provisions
respecting
commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions re-
specting writs.
2 Pick. 592.
3 Met. 58.
13 Gray, 74.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of
former laws,
except, etc.
1 Mass. 59.
2 Mass. 534.
8 Pick. 309, 316.
16 Pick. 107, 115.
2 Met. 118.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of
habeas corpus
secured, except,
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.” The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments, and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority. Officers of former government continued until, etc.

X. [In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments. Provision for revising constitution. For existing provision as to amendments, see amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid. Provision for revising constitution.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for
preserving and
publishing this
constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

Bill, etc., not
approved within
five days, not to
become a law,
if legislature
adjourn in the
mean time.
3 Mass. 567.
See Const., Ch.
I., § 1, Art. II.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court
empowered to
charter cities.
122 Mass. 354.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.
112 Mass. 200.

Qualifications of
voters for gov-
ernor, lieuten-
ant-governor,
senators and
representatives.
See amend-
ments, Arts.
XXX. and
XXXII.
11 Pick. 538, 540.
14 Pick. 341.
14 Mass. 367.
5 Met. 162, 298,
591, 594.
7 Gray, 299.
122 Mass. 596, 597.
124 Mass. 596.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, [and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding

such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned,] shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such elections.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

For educational qualification, see amendments, Art. XX. For provision as to those who have served in the army or navy in time of war, see amendments, Arts. XXVIII. and XXXI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Notaries public, how appointed and removed.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Vacancies in the offices of secretary and treasurer, how filled. This clause superseded by amendments, Art. XVII.

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

Commissary-general may be appointed, in case, etc.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

Militia officers, how removed.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Who may vote for captains and subalterns.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

Oath to be taken by all officers. See Const., Ch. VI., Art. I.

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath,

Proviso. Quakers may affirm.

he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Tests abolished.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility
of offices.
122 Mass. 445,
600.
123 Mass. 535.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer, and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

Amendments to
constitution,
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the quali-

fied voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Commencement
of political year,

and termination.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

Meetings for the
choice of gov-
ernor, lieuten-
ant-governor,
etc., when to be
held.
This clause
superseded by
amendments,
Art. XV.

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first

Article, when to
go into opera-
tion.

election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

inconsistent
provisions
annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious
freedom
established.
See Dec. of
Rights, Art.
III.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of GOD and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

122 Mass. 40, 41.

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXI. Representatives, how apportioned.

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred

and fifty ratable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation.

Provisions as to census superseded by amendments, Arts.

XXI. and XXII.

Senatorial districts declared permanent.

Provisions as to senators superseded by amendments, Art.

XXII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

122 Mass. 595.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned.

Provisions as to representatives superseded by amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification for a seat in general court or council not required.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

Eight councillors to be chosen by the people. 122 Mass. 595, 598.

Legislature to divide state into districts.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled. For new provision as to vacancies, see amendments, XXV.

Organization of the government.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafter, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the

manner provided in the constitution for the choice of such officers.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintend-

School moneys not to be applied for sectarian schools. For original provision as to schools, see constitution, Part First, Art. III.

12 Allen, 500,
508.
103 Mass. 94, 96.

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8 Gray, 1.
13 Gray, 74.

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10 Gray, 613.

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ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, [commissioners of insolvency,] and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

110 Mass. 172, 173.

117 Mass. 602, 603.

121 Mass. 65.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth;

and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. [Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August. Proceedings.

Qualifications of representatives. 122 Mass. 595, 598.

Districts to be numbered, described and certified.

Quorum, see amendments, Art. XXXIII.

Census, etc. See P. S. c. 31.

thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. [Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

Voters to be basis of apportionment of senators.

Senate to consist of forty members.

Senatorial districts, etc.

See amendments, Art. XXIV.

Qualifications of senators.

Quorum, see amendments, Art. XXXIII.

Residence of two years required of naturalized citizens, to entitle to suffrage or make eligible to office. This article annulled by Art. XXVI.

Vacancies in the senate.

Vacancies in the council.

ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house

of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided*, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Provisions of Art. II., Chap. VI., relating to officers of Harvard College, annulled.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll-tax.

Superseded by Art. XXXI.

ART. XXIX. The general court shall have full power and authority to provide for the inhabitants of the towns in this Commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Voting precincts in towns.

ART. XXX. No person, otherwise qualified to vote in elections for governor, lieutenant-governor, senators, and representatives, shall, by reason of a change of residence within the Commonwealth, be disqualified from voting for said officers in the city or town from which he has removed his residence, until the expiration of six calendar months from the time of such removal.

Voters not disqualified by reason of change of residence until six months from time of removal.

Amendments,
Art. XXVIII.
amended.

ART. XXXI. Article twenty-eight of the Amendments of the Constitution is hereby amended by striking out in the fourth line thereof the words “being a pauper”, and inserting in place thereof the words: — receiving or having received aid from any city or town, — and also by striking out in said fourth line the words “if a pauper”, so that the article as amended shall read as follows: ARTICLE XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

Person who
served in army
or navy, etc.,
not disqualified
from voting for
non-payment of
poll tax.

Provisions of
amendments,
Art. III. relative
to payment of a
tax as a voting
qualification,
annulled.

ART. XXXII. So much of article three of the Amendments of the Constitution of the Commonwealth as is contained in the following words: “and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned”, is hereby annulled.

Quorum, in each
branch of the
general court,
to consist of a
majority of
members.

ART. XXXIII. A majority of the members of each branch of the general court shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and compel the attendance of absent members. All the provisions of the existing Constitution inconsistent with the provisions herein contained are hereby annulled.

Provisions of
Art. II., § 1.,
Chap. II., Part
II., relative to
property quali-
fication of
governor,
annulled.

ART. XXXIV. So much of article two of section one of chapter two of part the second of the Constitution of the Commonwealth as is contained in the following words: “and unless he shall at the same time, be seized in his own right, of a freehold within the Commonwealth of the value of one thousand pounds;” is hereby annulled.

Provisions of
Art. II., § III.,
Chap. I., rela-
tive to expense
of travelling to
the general
assembly by
members of the
house, annulled.

ART. XXXV. So much of article two of section three of chapter one of the Constitution of the Commonwealth as is contained in the following words: “The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.”, is hereby annulled.

ART. XXXVI. So much of article nineteen of the articles of amendment to the Constitution of the Commonwealth as is contained in the following words "commissioners of insolvency", is hereby annulled.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people

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on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

The twenty-ninth Article was adopted by the legislatures of the political years 1884 and 1885, and was approved and ratified by the people on the third day of November, 1885.

The thirtieth and thirty-first Articles were adopted by the legislatures of the political years 1889 and 1890, and were approved and ratified by the people on the fourth day of November, 1890.

The thirty-second and thirty-third Articles were adopted by the legislatures of the political years 1890 and 1891, and were approved and ratified by the people on the third day of November, 1891.

The thirty-fourth Article was adopted by the legislatures of the political years 1891 and 1892, and was approved and ratified by the people on the eighth day of November, 1892.

The thirty-fifth Article was adopted by the legislatures of the political years 1892 and 1893, and was approved and ratified by the people on the seventh day of November, 1893.

The thirty-sixth Article was adopted by the legislatures of the political years 1893 and 1894, and was approved and ratified by the people on the sixth day of November, 1894.

[A proposed Article of Amendment, prohibiting the manufacture and sale of Intoxicating Liquor as a beverage, adopted by the legislatures of the political years 1888 and 1889, was rejected by the people on the twenty-second day of April, 1889.]

[Proposed Articles of Amendment, (1) Establishing biennial elections of state officers, and (2) Establishing biennial elections of members of the General Court, adopted by the legislatures of the political years 1895 and 1896, were rejected by the people at the annual election held on the third day of November, 1896.]

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
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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1898.

 The General Court of the year eighteen hundred and ninety-eight assembled on Wednesday, the fifth day of January. The oaths of office were taken and subscribed by His Excellency ROGER WOLCOTT and His Honor W. MURRAY CRANE on Thursday, the sixth day of January, in the presence of the two Houses assembled in convention.

ACTS.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND TRAVEL OF THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF OFFICERS THEREOF, AND FOR EXPENSES IN CONNECTION THEREWITH. *Chap. 1.*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

For the compensation of senators, thirty thousand seven hundred and fifty dollars. *Senators, compensation.*

For travelling expenses of senators, a sum not exceeding thirty-two hundred dollars. *Travelling expenses.*

For the compensation of representatives, one hundred and eighty thousand seven hundred and fifty dollars. *Representatives, compensation.*

For travelling expenses of representatives, a sum not exceeding twenty thousand dollars. *Travelling expenses.*

For the compensation of the chaplains of the senate and house of representatives, three hundred dollars each. *Chaplains.*

For the salaries of the clerks of the senate and house of representatives, three thousand dollars each. *Senate and house clerks.*

For the salaries of the assistant clerks of the senate and house of representatives, two thousand dollars each. *Assistant clerks.*

For such additional clerical assistance for the clerks of the senate and house of representatives as may be necessary for the proper despatch of public business, a sum not exceeding three thousand dollars. *Clerical assistance.*

For the salary of the sergeant-at-arms, thirty-five hundred dollars. *Sergeant-at-arms.*

- First clerk.** For the salary of the first clerk in the office of the sergeant-at-arms, twenty-two hundred dollars.
- Doorkeepers.** For the salaries of the doorkeepers of the senate and house of representatives, fifteen hundred dollars each.
- Postmaster, messengers, etc.** For the compensation of the assistant doorkeepers, postmaster, messengers and pages to the senate and house of representatives, a sum not exceeding thirty-one thousand five hundred dollars.
- Senate stationery.** For stationery for the senate, purchased by the clerk, a sum not exceeding nine hundred dollars.
- House stationery.** For stationery for the house of representatives, purchased by the clerk, a sum not exceeding fifteen hundred dollars.
- Printing and binding, senate and house.** For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding thirty thousand dollars.
- Manual.** For printing and binding the manual of the general court, under the direction of the clerks of the senate and house of representatives, a sum not exceeding three thousand dollars.
- Sergeant-at-arms, stationery, etc.** For books, stationery, postage, printing and advertising, ordered by the sergeant-at-arms, a sum not exceeding one thousand dollars.
- Senate and house, contingent expenses, etc.** For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding seven thousand dollars.
- Expenses of committees.** For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, also expenses in connection with committee advertising, a sum not exceeding twenty-five thousand dollars.
- Witness fees, etc.** For expenses of summoning witnesses before committees, and for fees of such witnesses, a sum not exceeding two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 22, 1898.

Chap. 2. AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND NINETY-SEVEN.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Com-

monwealth from the ordinary revenue, for the payment of certain expenses in excess of the appropriations therefor in the year eighteen hundred and ninety-seven, to wit : —

For the care and maintenance of indigent and neglected children, the sum of five thousand one hundred sixty-eight dollars and ninety-seven cents. Indigent and neglected children.

For the support and transportation of unsettled pauper infants in this Commonwealth, the sum of eight hundred fourteen dollars and fifty-one cents. Unsettled pauper infants.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH.

Chap. 3.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : — Appropriations.

For the compensation of the lieutenant governor, two thousand dollars ; and for the executive council, sixty-four hundred dollars. Lieutenant governor and council, compensation.

For travelling expenses of the executive council, a sum not exceeding fifteen hundred dollars. Travelling expenses.

For the salary of the private secretary of the governor, twenty-five hundred dollars. Private secretary.

For the salary of the executive clerk, two thousand dollars. Executive clerk.

For the salary of the executive stenographer, a sum not exceeding fifteen hundred dollars. Stenographer.

For the salary of the executive messenger, twelve hundred dollars. Messenger.

For contingent expenses of the executive department, the sum of three thousand dollars. Executive department, expenses.

For postage, printing and stationery for the executive department, a sum not exceeding eight hundred dollars. Postage, printing, etc.

For travelling and contingent expenses of the governor and council, a sum not exceeding twenty-five hundred dollars. Governor and council, expenses.

For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars. Postage, printing, etc.

Extraordinary
expenses.

For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding fifteen thousand dollars.

Indexes, etc.,
to statutes.

For the preparation of tables and indexes relating to the statutes of the present and previous years, under the direction of the governor, a sum not exceeding five hundred dollars.

Arrest of
fugitives from
justice.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

Chap. 4.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ATTORNEY-GENERAL OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

Attorney-general.

For the salary of the attorney-general, five thousand dollars.

Assistants, etc.

For the compensation of assistants in the office of the attorney-general, and for such additional legal assistance as he may deem necessary in the discharge of his duties, and also for other necessary expenses in his department, a sum not exceeding thirty-six thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

Chap. 5.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE COMMISSIONERS OF SAVINGS BANKS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

Commissioners
of savings
banks, chair-
man.

For the salary of the chairman of the commissioners of savings banks, thirty-five hundred dollars.

For the salaries of the two associate commissioners of savings banks, three thousand dollars each. Associate commissioners.

For the salary of the first clerk of the commissioners of savings banks, two thousand dollars. First clerk.

For the salary of the second clerk of the commissioners of savings banks, fifteen hundred dollars. Second clerk.

For such additional clerks and expert assistants as the commissioners of savings banks may deem necessary, a sum not exceeding twenty-five hundred dollars. Additional clerks, etc.

For travelling and incidental expenses of the commissioners of savings banks, a sum not exceeding thirty-three hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE GAS AND ELECTRIC LIGHT COMMISSIONERS. *Chap. 6.*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit: — Appropriations.

For the salaries of the gas and electric light commissioners, eight thousand dollars. Gas and electric light commissioners.

For clerical assistance to the gas and electric light commissioners, a sum not exceeding three thousand dollars. Clerical assistance.

For statistics, books and stationery, and for the necessary expenses of the gas and electric light commissioners, a sum not exceeding three thousand dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE BUREAU OF STATISTICS OF LABOR. *Chap. 7.*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the Appropriations.

thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

- Bureau of statistics, chief.** For the salary of the chief of the bureau of statistics of labor, three thousand dollars.
- First clerk.** For the salary of the first clerk of the bureau of statistics of labor, two thousand dollars.
- Second clerk.** For the salary of the second clerk of the bureau of statistics of labor, sixteen hundred and fifty dollars.
- Special agents.** For the salaries of the two special agents of the bureau of statistics of labor, twenty-four hundred dollars.
- Clerical assistance, etc.** For such additional clerical assistance and for such expenses of the bureau of statistics of labor as may be necessary, a sum not exceeding six thousand dollars.
- Statistics of manufactures.** For expenses in connection with the annual collection of statistics of manufactures, a sum not exceeding sixty-five hundred dollars.
- Expenses.** For contingent expenses of the bureau of statistics of labor, to be expended under the direction of the sergeant-at-arms, a sum not exceeding five hundred dollars.
- Rent of rooms, etc.** For rent of rooms for the use of the bureau of statistics of labor, and for services of a janitor, a sum not exceeding three thousand dollars.
- Rent of rooms for storage.** For rent of rooms for the bureau of statistics of labor for storage purposes, a sum not exceeding five hundred and fifty dollars.
- Rent of additional rooms.** For rent of additional rooms for the use of the bureau of statistics of labor for such period of time as may be required for the purposes of the decennial census, a sum not exceeding twenty-five hundred dollars.
- Expenses of special census.** For expenses in connection with taking a special census in towns having an increased resident population during the summer months, a sum not exceeding three hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

Chap. 8.

AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE GENERAL SUPERINTENDENT OF PRISONS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the

thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —

For the salary of the general superintendent of prisons, thirty-five hundred dollars.

General superintendent of prisons.

For clerical assistance to the general superintendent of prisons, a sum not exceeding one thousand dollars.

Clerical assistance.

For travelling expenses of the general superintendent of prisons, a sum not exceeding five hundred dollars.

Travelling expenses.

For incidental and contingent expenses of the general superintendent of prisons, a sum not exceeding five hundred dollars.

Incidental expenses, etc.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE STATE PENSION AGENT.

Chap. 9.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —

Appropriations.

For the salary of the state pension agent, two thousand dollars.

State pension agent.

For clerical assistance, travelling and other necessary expenses of the state pension agent, a sum not exceeding four thousand five hundred dollars.

Clerical assistance, etc.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

AN ACT MAKING AN APPROPRIATION FOR THE ERECTION OF NEW BUILDINGS AT THE WORCESTER LUNATIC HOSPITAL.

Chap. 10.

Be it enacted, etc., as follows :

SECTION 1. The sum of forty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to be expended at the Worcester lunatic hospital, under the direction of the trustees thereof, for the erection of new buildings, as provided for by chapter eighty-one of the resolves of the year eighteen hundred and ninety-seven.

Worcester lunatic hospital.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

Chap. 11. AN ACT MAKING AN APPROPRIATION FOR THE WORCESTER POLYTECHNIC INSTITUTE.

Be it enacted, etc., as follows :

Worcester
Polytechnic
Institute.

SECTION 1. The sum of three thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Worcester Polytechnic Institute, as provided for by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-six.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

Chap. 12. AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS STATE FIREMEN'S ASSOCIATION.

Be it enacted, etc., as follows :

Massachusetts
State Firemen's
Association.

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts State Firemen's Association, as provided for by chapter one hundred and seventy-seven of the acts of the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

Chap. 13. AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Be it enacted, etc., as follows :

Massachusetts
Institute of
Technology.

SECTION 1. The sum of twenty-nine thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Massachusetts Institute of Technology.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

Chap. 14. AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS SCHOOL FUND.

Be it enacted, etc., as follows :

Massachusetts
School Fund.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts School Fund, as provided for by

chapter ninety of the resolves of the year eighteen hundred and ninety-four.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF PREMIUMS ON SECURITIES PURCHASED FOR THE MASSACHUSETTS SCHOOL FUND.

Chap. 15.

Be it enacted, etc., as follows :

SECTION 1. A sum not exceeding ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment by the treasurer and receiver general of premiums on securities purchased for the Massachusetts School Fund, as provided for by chapter three hundred and thirty-five of the acts of the year eighteen hundred and ninety.

Massachusetts School Fund, premiums on securities.

SECTION 2. This act shall take effect upon its passage.

Approved January 28, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE JUDICIAL DEPARTMENT OF THE COMMONWEALTH.

Chap. 16.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —

Appropriations.

SUPREME JUDICIAL COURT.

For travelling expenses of the chief justice of the supreme judicial court, five hundred dollars.

Supreme judicial court, chief justice,

For travelling expenses of the six associate justices of the supreme judicial court, three thousand dollars.

Associate justices.

For the salary of the clerk of the supreme judicial court, three thousand dollars.

Clerk.

For clerical assistance to the clerk of the supreme judicial court, five hundred dollars.

Clerical assistance to clerk.

For clerical assistance to the justices of the supreme judicial court, a sum not exceeding twenty-five hundred dollars.

Clerical assistance to justices.

Expenses.	For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.
Reporter of decisions.	For the salary of the reporter of decisions of the supreme judicial court, four thousand dollars; and for clerk hire and incidental expenses of said reporter, a sum not exceeding two thousand dollars.
Officers and messenger.	For the salaries of the officers and messenger of the supreme judicial court, twenty-four hundred dollars.
Clerk for Suffolk.	For the salary of the clerk of the supreme judicial court for the county of Suffolk, fifteen hundred dollars.

SUPERIOR COURT.

Superior court, chief justice.	For the salary and travelling expenses of the chief justice of the superior court, sixty-five hundred dollars.
Associate justices.	For the salaries and travelling expenses of the seventeen associate justices of the superior court, one hundred and two thousand dollars.

COURTS OF PROBATE AND INSOLVENCY.

Probate and insolvency judges, Suffolk.	For the salaries of the two judges of probate and insolvency for the county of Suffolk, five thousand dollars each.
Middlesex.	For the salaries of the two judges of probate and insolvency for the county of Middlesex, forty-five hundred dollars each.
Worcester.	For the salary of the judge of probate and insolvency for the county of Worcester, thirty-five hundred dollars.
Essex.	For the salary of the judge of probate and insolvency for the county of Essex, thirty-seven hundred dollars.
Norfolk.	For the salary of the judge of probate and insolvency for the county of Norfolk, twenty-eight hundred dollars.
Bristol.	For the salary of the judge of probate and insolvency for the county of Bristol, three thousand dollars.
Plymouth.	For the salary of the judge of probate and insolvency for the county of Plymouth, two thousand dollars.
Berkshire.	For the salary of the judge of probate and insolvency for the county of Berkshire, eighteen hundred dollars.
Hampden.	For the salary of the judge of probate and insolvency for the county of Hampden, three thousand dollars.
Hampshire.	For the salary of the judge of probate and insolvency for the county of Hampshire, sixteen hundred dollars.
Franklin.	For the salary of the judge of probate and insolvency for the county of Franklin, fifteen hundred dollars.

For the salary of the judge of probate and insolvency for the county of Barnstable, thirteen hundred dollars. Barnstable.

For the salary of the judge of probate and insolvency for the county of Nantucket, seven hundred dollars. Nantucket.

For the salary of the judge of probate and insolvency for the county of Dukes County, seven hundred dollars. Dukes County.

For the compensation of judges of probate and insolvency, acting in other counties, a sum not exceeding three thousand dollars. Acting in other counties.

For the salary of the register of probate and insolvency for the county of Suffolk, five thousand dollars. Register, Suffolk.

For the salary of the register of probate and insolvency for the county of Middlesex, four thousand dollars. Middlesex.

For the salary of the register of probate and insolvency for the county of Essex, thirty-three hundred dollars. Essex.

For the salary of the register of probate and insolvency for the county of Worcester, three thousand dollars. Worcester.

For the salary of the register of probate and insolvency for the county of Norfolk, twenty-three hundred dollars. Norfolk.

For the salary of the register of probate and insolvency for the county of Bristol, twenty-five hundred dollars. Bristol.

For the salary of the register of probate and insolvency for the county of Plymouth, eighteen hundred dollars. Plymouth.

For the salary of the register of probate and insolvency for the county of Hampshire, sixteen hundred dollars. Hampshire.

For the salary of the register of probate and insolvency for the county of Hampden, twenty-five hundred dollars. Hampden.

For the salary of the register of probate and insolvency for the county of Berkshire, eighteen hundred dollars. Berkshire.

For the salary of the register of probate and insolvency for the county of Franklin, fifteen hundred dollars. Franklin.

For the salary of the register of probate and insolvency for the county of Barnstable, thirteen hundred dollars. Barnstable.

For the salary of the register of probate and insolvency for the county of Nantucket, seven hundred dollars. Nantucket.

For the salary of the register of probate and insolvency for the county of Dukes County, seven hundred dollars. Dukes County.

For the salary of the assistant register of probate and insolvency for the county of Suffolk, twenty-eight hundred dollars. Assistant register, Suffolk.

For the salary of the assistant register of probate and insolvency for the county of Middlesex, two thousand dollars. Middlesex.

For the salary of the assistant register of probate and Worcester.

insolvency for the county of Worcester, eighteen hundred dollars.

Essex. For the salary of the assistant register of probate and insolvency for the county of Essex, eighteen hundred dollars.

Norfolk. For the salary of the assistant register of probate and insolvency for the county of Norfolk, twelve hundred dollars.

Franklin. For the salary of the assistant register of probate and insolvency for the county of Franklin, five hundred dollars.

Clerk, Suffolk. For the salary of the clerk of the register of probate and insolvency for the county of Suffolk, twelve hundred dollars.

Clerical assistance, Suffolk. For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, a sum not exceeding fifty-one hundred dollars.

Middlesex. For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not exceeding thirty-five hundred dollars.

Hampden. For extra clerical assistance to the register of probate and insolvency for the county of Hampden, a sum not exceeding six hundred dollars.

Essex. For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding twenty-five hundred dollars.

Bristol. For extra clerical assistance to the register of probate and insolvency for the county of Bristol, a sum not exceeding four hundred dollars.

Worcester. For extra clerical assistance to the register of probate and insolvency for the county of Worcester, a sum not exceeding twenty-three hundred and fifty dollars.

Plymouth. For extra clerical assistance to the register of probate and insolvency for the county of Plymouth, a sum not exceeding five hundred dollars.

In the several counties except Franklin and Suffolk. For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, excepting Franklin and Suffolk counties, a sum not exceeding eighty-five hundred dollars.

Expenses. For expenses of courts of probate and insolvency, a sum not exceeding thirty-five hundred dollars.

DISTRICT ATTORNEYS.

District attorney, Suffolk. For the salary of the district attorney for Suffolk district, five thousand dollars.

For the salary of the first assistant district attorney for Suffolk district, thirty-three hundred dollars. First assistant.

For the salary of the second assistant district attorney for Suffolk district, twenty-five hundred dollars. Second assistant.

For the salary of the clerk of the district attorney for Suffolk district, eighteen hundred dollars. Clerk.

For the salary of the district attorney for the northern district, twenty-four hundred dollars. District attorney, northern district.

For the salary of the assistant district attorney for the northern district, fifteen hundred dollars. Assistant.

For the salary of the district attorney for the eastern district, twenty-four hundred dollars. Eastern district.

For the salary of the assistant district attorney for the eastern district, twelve hundred dollars. Assistant.

For the salary of the district attorney for the southeastern district, twenty-one hundred dollars. Southeastern district.

For the salary of the assistant district attorney for the southeastern district, twelve hundred dollars. Assistant.

For the salary of the district attorney for the southern district, twenty-two hundred dollars. Southern district.

For the salary of the assistant district attorney for the southern district, twelve hundred dollars. Assistant.

For the salary of the district attorney for the middle district, twenty-four hundred dollars. Middle district.

For the salary of the assistant district attorney for the middle district, twelve hundred dollars. Assistant.

For the salary of the district attorney for the western district, twenty-one hundred dollars. Western district.

For the salary of the district attorney for the northwestern district, thirteen hundred and fifty dollars. Northwestern district.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE STATE BOARD OF ARBITRATION AND CONCILIATION.

Chap. 17.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit: — Appropriations.

For the salaries of the members of the state board of arbitration and conciliation, six thousand dollars. Board of arbitration, etc.

Clerk.

For the salary of the clerk of the state board of arbitration and conciliation, twelve hundred dollars.

Expenses.

For travelling, incidental and contingent expenses of the state board of arbitration and conciliation, a sum not exceeding forty-six hundred dollars, which shall include the compensation of expert assistants.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1898.

Chap. 18. AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE MASSACHUSETTS NAUTICAL TRAINING SCHOOL.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —

Nautical training school.

For the payment of current expenses of the Massachusetts nautical training school on board the United States ship Enterprise, a sum not exceeding fifty thousand dollars.

Expenses of commissioners.

For the necessary expenses of the commissioners of the Massachusetts nautical training school, to include salary of the secretary, clerical services, printing, stationery and other contingent expenses, a sum not exceeding forty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1898.

Chap. 19. AN ACT MAKING AN APPROPRIATION FOR THE REMOVAL OF WRECKS FROM TIDE WATERS.

Be it enacted, etc., as follows :

Removal of obstructions from tide waters.

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for expenses in connection with the removal of wrecks and other obstructions from tide waters, as provided for in section nine of chapter two hundred and sixty of the acts of the year eighteen hundred and eighty-three, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1898.

AN ACT MAKING AN APPROPRIATION FOR THE COMPENSATION OF
INSPECTORS OF ANIMALS AND PROVISIONS. *Chap. 20.*

Be it enacted, etc., as follows:

SECTION 1. The sum hereinafter mentioned is ap- Appropriation.
propriated, to be paid out of the treasury of the Com-
monwealth from the ordinary revenue, for the purpose
specified, to meet expenses for the year ending on the
thirty-first day of December in the year eighteen hun-
dred and ninety-eight, to wit:—

For the compensation of inspectors of animals and Inspectors of
animals and
provisions.
provisions, as provided for by chapter four hundred
and seventy-six of the acts of the year eighteen hun-
dred and ninety-five, a sum not exceeding ten thousand
dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1898.

AN ACT TO INCORPORATE THE BENNETT SPINNING COMPANY. *Chap. 21.*

Be it enacted, etc., as follows:

SECTION 1. Loum Snow, Edward S. Brown, Charles Bennett Spin-
ning Company
incorporated.
H. Merriman, Robert W. Taft, Stephen M. Crosby,
George F. Putnam, Charles J. Holmes, Gilbert Allen
and Otis N. Pierce, their associates and successors, are
hereby made a corporation by the name of the Bennett
Spinning Company, for the purpose of carrying on the
business of buying, manufacturing and selling cotton and
its products; and for this purpose shall have all the
powers and privileges, and be subject to all the duties,
restrictions and liabilities set forth in all general laws
which are now or may hereafter be in force relating to
such corporations, except as herein otherwise expressly
provided.

SECTION 2. The capital stock of said corporation Capital stock.
shall not exceed the sum of one million eight hundred
thousand dollars.

SECTION 3. Said corporation shall have authority to May operate
certain plants
together, etc.
purchase and operate together the plants and properties
of the Bennett Manufacturing Corporation and the Col-
umbia Spinning Company, corporations incorporated
under the laws of this Commonwealth and doing busi-
ness in New Bedford; and the provisions of sections
fifteen and forty-nine of chapter one hundred and six

of the Public Statutes shall be applicable to said Bennett Spinning Company in the purchase of said properties.

SECTION 4. This act shall take effect upon its passage.

Approved February 1, 1898.

Chap. 22. AN ACT MAKING APPROPRIATIONS FOR SUNDRY AGRICULTURAL EXPENSES.

Be it enacted, etc., as follows :

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —
Board of agriculture, secretary.	For the salary of the secretary of the state board of agriculture, twenty-five hundred dollars.
First clerk.	For the salary of the first clerk of the secretary of the state board of agriculture, sixteen hundred dollars.
Second clerk.	For the salary of the second clerk of the secretary of the state board of agriculture, twelve hundred dollars.
Clerical assistance.	For other clerical assistance in the office of the secretary of the state board of agriculture, and for lectures before the board at its annual and other meetings, a sum not exceeding eight hundred dollars.
Travelling expenses, etc.	For travelling and other necessary expenses of the members of the state board of agriculture, a sum not exceeding nineteen hundred dollars.
Incidental expenses, etc.	For incidental and contingent expenses of the state board of agriculture, a sum not exceeding eight hundred dollars.
Expenses of secretary.	For travelling and other necessary expenses of the secretary of the state board of agriculture, a sum not exceeding five hundred dollars.
Farmers' institutes.	For disseminating useful information in agriculture by means of lectures at farmers' institutes, a sum not exceeding two thousand dollars.
Bounties.	For bounties to agricultural societies, a sum not exceeding twenty-one thousand dollars.
Experiment station.	For maintaining an agricultural experiment station at the Massachusetts Agricultural College, the sum of ten thousand dollars.
Agricultural College, scholarships.	For the Massachusetts Agricultural College, for the purpose of providing eighty free scholarships, the sum of ten thousand dollars.

For the Massachusetts Agricultural College, the sum of ten thousand dollars, to be expended under the direction of the trustees for the following purposes, to wit: — Five thousand dollars for the establishment of a labor fund to assist needy students of said college, and five thousand dollars to provide the theoretical and practical education required by its charter and the laws of the United States relating thereto.

Agricultural College, labor fund, etc.

For travelling and other necessary expenses of the trustees of the Massachusetts Agricultural College, a sum not exceeding eight hundred dollars.

Expenses of trustees.

For the salary of the executive officer of the state dairy bureau, five hundred dollars.

Dairy bureau, executive officer.

For the salary of an assistant to the secretary of the state board of agriculture, to assist in the work of the state dairy bureau, twelve hundred dollars.

Assistant to secretary.

For assistants, experts, chemists, agents and other necessary expenses of the state dairy bureau, a sum not exceeding seven thousand dollars.

Experts, chemists, etc.

For purchasing nails or spikes to be driven into certain trees designated by the authorities of cities and towns, for the purpose of preserving ornamental and shade trees on public highways, a sum not exceeding two hundred dollars.

Preservation of shade trees, etc.

To defray the expenses of collecting and analyzing samples of concentrated commercial feed stuffs, as provided for by chapter one hundred and seventeen of the acts of the year eighteen hundred and ninety-seven, twelve hundred dollars.

Collecting, etc., samples of concentrated commercial feed stuffs.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1898.

AN ACT MAKING AN APPROPRIATION FOR THE PERKINS INSTITUTION
AND MASSACHUSETTS SCHOOL FOR THE BLIND.

Chap. 23.

Be it enacted, etc., as follows:

SECTION 1. The sum of thirty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Perkins Institution and Massachusetts School for the Blind, as provided for by chapter nineteen of the resolves of the year eighteen hundred and sixty-nine.

Perkins Institution, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1898.

Chap. 24. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE INSPECTORS OF GAS METERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit: —

Inspector of gas meters.

For the salary of the inspector of gas meters, two thousand dollars.

Assistant.

For the salary of the assistant inspector of gas meters, twelve hundred dollars.

Expenses.

For travelling and incidental expenses of the inspector and assistant inspector of gas meters, a sum not exceeding six hundred and fifty dollars.

Additional apparatus.

For such additional apparatus as the inspector of gas meters may find necessary, a sum not exceeding two hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1898.

Chap. 25. AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Be it enacted, etc., as follows:

Massachusetts School for the Feeble-minded.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Massachusetts School for the Feeble-minded, as provided for by chapter one hundred and twenty-three of the acts of the year eighteen hundred and eighty-seven.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1898.

Chap. 26. AN ACT MAKING AN APPROPRIATION FOR THE SALARY OF THE ASSAYER AND INSPECTOR OF LIQUORS.

Be it enacted, etc., as follows:

Assayer and Inspector of liquors.

SECTION 1. The sum of twelve hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the salary of the assayer and inspector of liquors, for the

year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1898.

AN ACT MAKING AN APPROPRIATION FOR THE COMPENSATION AND EXPENSES OF THE BALLOT LAW COMMISSION.

Chap. 27.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.
propriated, to be paid out of the treasury of the Com-
monwealth from the ordinary revenue, for the purposes
specified, to meet expenses for the year ending on the
thirty-first day of December in the year eighteen hun-
dred and ninety-eight, to wit: —

For the compensation of the ballot law commission, Ballot law
a sum not exceeding fifteen hundred dollars. commission.

For such expenses of the ballot law commission as Expenses.
may be necessary, a sum not exceeding five hundred
dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE STATE LIBRARY.

Chap. 28.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.
propriated, to be paid out of the treasury of the Com-
monwealth from the ordinary revenue, for the purposes
specified, to meet expenses for the year ending on the
thirty-first day of December in the year eighteen hun-
dred and ninety-eight, to wit: —

For the salary of the state librarian, three thousand State librarian.
dollars.

For the purchase of books for the state library, sixty- Purchase of
five hundred dollars. books.

For such clerical assistance in the state library as may Clerical
be necessary, a sum not exceeding thirty-five hundred assistance.
dollars.

For preparing an index to current events and such Index to cur-
other matters as may be deemed important by the trus- rent events.
tees and librarian, contained in the newspapers of the
day, a sum not exceeding one thousand dollars.

For contingent expenses in the state library, to be ex- Expenses.

pendent under the direction of the trustees and librarian, a sum not exceeding eighteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1898.

Chap. 29. AN ACT RELATIVE TO THE APPOINTMENT OF ASSISTANT ASSESSORS
IN THE CITY OF SALEM.

Be it enacted, etc., as follows :

To appoint
assistant as-
sessor, etc.

SECTION 1. The board of assessors of the city of Salem shall, during the month of March in each year, subject to confirmation by the city council, appoint twelve persons, to be styled assistant assessors, who shall have the powers and shall perform the duties heretofore appertaining to assistant assessors in Salem, and shall hold office for one year or until their successors are appointed and qualified, and whose compensation per diem shall be fixed by the city council.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved February 1, 1898.

Chap. 30. AN ACT MAKING AN APPROPRIATION FOR OPERATING THE CHARLES
RIVER VALLEY SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows :

Charles River
Valley System
of sewerage.

SECTION 1. A sum not exceeding sixty-two thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of providing for the cost of the maintenance and operation of the system of sewage disposal for the cities of Boston, Newton and Waltham, and the towns of Watertown and Brookline, known as the Charles River Valley System, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1898.

Chap. 31. AN ACT MAKING AN APPROPRIATION FOR CONTINUING THE WORK
OF EXTERMINATING THE GYPSY MOTH.

Be it enacted, etc., as follows :

Extermination
of the gypsy
moth.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated, to be paid out of the treasury of

the Commonwealth from the ordinary revenue, to be expended under the direction of the state board of agriculture, as authorized by chapter two hundred and ten of the acts of the year eighteen hundred and ninety-one, for continuing the work of exterminating the gypsy moth, during the year ending the thirty-first day of December in the year eighteen hundred and ninety-eight; said sum to be in addition to any amount unexpended of the appropriation of the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1898.

AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE PRISON INDUSTRIES OF THE COMMONWEALTH.

Chap. 32.

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding one hundred thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet expenses in connection with the industries in the various prisons of the Commonwealth.

Prison industries.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1898.

AN ACT TO CHANGE THE NAME OF THE SOMERVILLE MYSTIC WATER BOARD.

Chap. 33.

Be it enacted, etc., as follows:

SECTION 1. The name of the Somerville Mystic Water Board, established by chapter one hundred and eighty-two of the acts of the year eighteen hundred and seventy-one, as amended by chapter two hundred and seventeen of the acts of the year eighteen hundred and ninety, is hereby changed to Board of Water Commissioners of the City of Somerville.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1898.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE BOARD OF FREE PUBLIC LIBRARY COMMISSIONERS.

Chap. 34.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the

Appropriations.

thirty-first day of December in the year eighteen hundred and ninety-eight, to wit: —

Free public
libraries.

To carry out the provisions of the act to promote the establishment and efficiency of free public libraries, a sum not exceeding one thousand dollars.

Clerical assist-
ance, etc.

For clerical assistance, and incidental and necessary expenses of the board of free public library commissioners, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1898.

Chap. 35. AN ACT MAKING AN APPROPRIATION FOR THE ABOLITION OF GRADE CROSSINGS LOAN SINKING FUND.

Be it enacted, etc., as follows:

Abolition of
Grade Cross-
ings Loan
Sinking Fund.

SECTION 1. The sum of one hundred and eighteen thousand four hundred twenty-one dollars and sixty-six cents is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Abolition of Grade Crossings Loan Sinking Fund, as provided for by chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, said sum being the estimate of the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1898.

Chap. 36. AN ACT MAKING AN APPROPRIATION FOR THE HARBOR IMPROVEMENT LOAN SINKING FUND.

Be it enacted, etc., as follows:

Harbor Im-
provement
Loan Sinking
Fund.

SECTION 1. The sum of fifty-two hundred fifty dollars and twenty-four cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Harbor Improvement Loan Sinking Fund, as provided for by section two of chapter five hundred and thirteen of the acts of the year eighteen hundred and ninety-seven, said sum being the estimate of the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1898.

Chap. 37. AN ACT MAKING AN APPROPRIATION FOR THE METROPOLITAN PARKS LOAN SINKING FUND.

Be it enacted, etc., as follows:

Metropolitan
Park Loan
Sinking Fund.

SECTION 1. The sum of fourteen thousand two hundred and twenty-six dollars is hereby appropriated, to be

paid out of the treasury of the Commonwealth from the ordinary revenue, for the Metropolitan Parks Loan Sinking Fund, towards retiring the scrip known as series two, as provided for by chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four, said sum being the estimate of the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1898.

AN ACT MAKING AN APPROPRIATION FOR THE STATE HIGHWAY
LOAN SINKING FUND.

Chap. 38.

Be it enacted, etc., as follows:

SECTION 1. The sum of forty-seven thousand two hundred seventy-three dollars and fifty-seven cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the State Highway Loan Sinking Fund, as provided for by section eight of chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-four, said sum being the estimate of the treasurer and receiver general.

State Highway
Loan Sinking
Fund.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1898.

AN ACT MAKING AN APPROPRIATION FOR THE STATE HOUSE LOANS
SINKING FUND.

Chap. 39.

Be it enacted, etc., as follows:

SECTION 1. The sum of one hundred ninety-four thousand five hundred forty-four dollars and seventy cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the State House Loans Sinking Fund, as provided for by chapter thirty-nine of the acts of the year eighteen hundred and ninety-five, said sum being the estimate of the treasurer and receiver general.

State House
Loans Sinking
Fund.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1898.

AN ACT MAKING AN APPROPRIATION FOR THE MEDFIELD INSANE
ASYLUM LOAN SINKING FUND.

Chap. 40.

Be it enacted, etc., as follows:

SECTION 1. The sum of eighteen thousand nine hundred twelve dollars and seventy-seven cents is hereby appropriated, to be paid out of the treasury of the Com-

Medfield Insane
Asylum Loan
Sinking Fund.

monwealth from the ordinary revenue, for the Medfield Insane Asylum Loan Sinking Fund, as provided for by section one of chapter three hundred and ninety-one of the acts of the year eighteen hundred and ninety-four, said sum being the estimate of the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1898.

Chap. 41. AN ACT MAKING AN APPROPRIATION FOR THE PRISON AND HOSPITAL LOAN SINKING FUND.

Be it enacted, etc., as follows :

Prison and
Hospital Loan
Sinking Fund.

SECTION 1. The sum of sixty-nine hundred fifty-three dollars and seventy-three cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Prison and Hospital Loan Sinking Fund, as provided for by chapters four hundred and eighty-three and five hundred and three of the acts of the year eighteen hundred and ninety-five, said sum being the estimate of the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1898.

Chap. 42. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE CONTROLLER OF COUNTY ACCOUNTS.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —

Controller of
county ac-
counts.

For the salary of the controller of county accounts, twenty-five hundred dollars.

First deputy.

For the salary of the first deputy of the controller of county accounts, eighteen hundred dollars.

Second deputy.

For the salary of the second deputy of the controller of county accounts, fifteen hundred dollars.

Expenses.

For travelling and office expenses of the controller of county accounts, and of his deputies, a sum not exceeding twelve hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1898.

AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE CONSOLIDATION AND ARRANGEMENT OF THE PUBLIC STATUTES. *Chap. 43.*

Be it enacted, etc., as follows :

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet expenses in connection with the consolidation and arrangement of the Public Statutes of the Commonwealth, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, said sum to be in addition to any amount heretofore authorized. Consolidation and arrangement of the Public Statutes.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1898.

AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE PREPARATION AND PUBLICATION OF A SECOND SUPPLEMENT TO THE PUBLIC STATUTES. *Chap. 44.*

Be it enacted, etc., as follows :

SECTION 1. The sum of fifteen hundred seventy-nine dollars and twenty-three cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of meeting expenses in connection with the preparation and publication of a second supplement to the Public Statutes, as authorized by chapter three hundred and sixty-three of the acts of the year eighteen hundred and ninety-five. Preparation and publication of a second supplement to the Public Statutes.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1898.

AN ACT TO AUTHORIZE CITIES TO APPROPRIATE MONEY FOR THE PAYMENT OF THE CHARGES OF INSURANCE COMPANIES AS SURETIES ON BONDS OF CITY OFFICERS. *Chap. 45.*

Be it enacted, etc., as follows :

SECTION 1. Any city may by vote of the city council vote to raise and appropriate money to pay a proper charge of an insurance company for acting as surety on the official bond given to such city by any of its officers for the faithful discharge of their duties. The city authority authorized to approve the bond of a city officer may accept an insurance company as sufficient surety upon such bond; Sureties on bonds of city officers.

but no insurance company shall be so accepted unless it is qualified to do business in this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1898.

Chap. 46. AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF STATE AND MILITARY AID AND EXPENSES IN CONNECTION THEREWITH.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

State and military aid. For reimbursement to cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding six hundred and eighty-three thousand dollars, the same to be paid on or before the first day of December in the year eighteen hundred and ninety-eight.

Commissioner of state aid. For the salary of the commissioner of state aid appointed by the governor and council, twenty-five hundred dollars.

Clerical assistance, etc. For clerical assistance, salaries and expenses of agents, and other expenses of the commissioners of state aid, a sum not exceeding eight thousand eight hundred and twenty dollars.

Expenses. For postage, printing and other necessary expenses in carrying out the provisions of the state and military aid laws, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1898.

Chap. 47. AN ACT MAKING AN APPROPRIATION FOR OPERATING THE NEPONSET RIVER VALLEY SYSTEM OF SEWAGE DISPOSAL.

Be it enacted, etc., as follows:

Neponset river valley system of sewage disposal. SECTION 1. A sum not exceeding one thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the cost of maintenance and operation of the Neponset river valley system of sewage disposal during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, said sum to be in addition to the unex-

pended assessments made in the years eighteen hundred and ninety-six and eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1898.

AN ACT MAKING AN APPROPRIATION FOR OPERATING THE NORTH METROPOLITAN SYSTEM OF SEWERAGE.

Chap. 48.

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding twenty-three thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of providing for the cost of the maintenance and operation of the system of sewage disposal for the cities of Boston, Cambridge, Somerville, Malden, Chelsea, Woburn, Medford and Everett, and the towns of Stoneham, Melrose, Winchester, Arlington and Belmont, known as the North Metropolitan System, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, said sum to be in addition to the amount of the unexpended assessments now in the treasury of the Commonwealth.

North Metropolitan System of sewerage.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE COMMISSIONERS OF PRISONS, AND FOR SUNDRY REFORMATORY EXPENSES.

Chap. 49.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit: —

Appropriations.

For the salary of the secretary of the commissioners of prisons, twenty-five hundred dollars.

Commissioners of prisons, secretary.

For clerical assistance in the office of the commissioners of prisons, a sum not exceeding twenty-eight hundred dollars.

Clerical assistance.

For the salaries of the agents of the commissioners of prisons, fifty-two hundred dollars.

Agents.

For travelling expenses of the commissioners of prisons,

Travelling expenses.

and of the secretary and agents of said commissioners, a sum not exceeding twenty-five hundred dollars.

Expenses.

For incidental and contingent expenses of the commissioners of prisons, a sum not exceeding twelve hundred dollars.

Agent for aiding discharged female prisoners.

For the salary of the agent for aiding discharged female prisoners, a sum not exceeding one thousand dollars.

Expenses.

For the expenses of the agent for aiding female prisoners discharged from the prisons of the Commonwealth, including assistance rendered to said prisoners, a sum not exceeding three thousand dollars.

Aiding prisoners discharged from reformatory.

For aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding five thousand dollars.

Aiding prisoners discharged from state prison.

For aiding prisoners discharged from the state prison, a sum not exceeding three thousand dollars.

Removal of prisoners.

For expenses incurred in removing prisoners to and from state and county prisons, a sum not exceeding nine hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1898.

Chap. 50. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit: —

Chief of district police.

For the salary of the chief of the district police, a sum not exceeding twenty-five hundred dollars.

First clerk.

For the salary of the first clerk in the office of the chief of the district police, fifteen hundred dollars.

Second clerk.

For the salary of the second clerk in the office of the chief of the district police, one thousand dollars.

Members of district police.

For the compensation of the members of the district police, a sum not exceeding sixty-five thousand dollars.

Travelling expenses.

For travelling expenses of the members of the district police, a sum not exceeding twenty-one thousand three hundred dollars.

Incidental expenses, etc.

For incidental and contingent expenses of the chief and

members of the district police, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1898.

AN ACT MAKING AN APPROPRIATION FOR THE ERECTION OF A NEW PRISON BUILDING AT THE STATE FARM. Chap. 51.

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding thirty-seven thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of erecting a new prison building at the state farm, as authorized by chapter fifty-seven of the resolves of the year eighteen hundred and ninety-seven, to be expended under the direction of the trustees and superintendent thereof. State farm.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1898.

AN ACT TO AUTHORIZE FIRE DISTRICT NUMBER ONE IN THE TOWN OF SOUTH HADLEY TO ISSUE BONDS, NOTES OR SCRIP. Chap. 52.

Be it enacted, etc., as follows:

SECTION 1. Fire District Number One in the town of South Hadley, for the purpose of paying the damages and expenses of its recent taking of land in the city of Chicopee and town of South Hadley to protect its water supply, is hereby authorized to issue bonds, notes or scrip to an amount not exceeding in the aggregate ten thousand dollars. Such bonds, notes or scrip shall bear on the face the words, South Hadley Fire District Water Loan, shall be payable at periods not exceeding thirty years from the date of issue, shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and shall be signed by the treasurer and prudential committee of the district. South Hadley
Fire District
Water Loan.

SECTION 2. The said fire district shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Such sinking fund shall remain inviolate and shall be used for no other purpose. Sinking fund.

SECTION 3. This act shall take effect upon its passage.

Approved February 12, 1898.

Chap. 53. AN ACT TO AUTHORIZE THE EXAMINER IN THE INSURANCE DEPARTMENT TO EXAMINE THE ACCOUNTS OF RECEIVERS OF INSOLVENT INSURANCE COMPANIES.

Be it enacted, etc., as follows :

1894, 522, § 13,
amended.

To examine
accounts of
receivers of
insolvent
companies, etc.

May examine
receivers, etc.

To certify mis-
conduct of
receivers, etc.

SECTION 1. Section thirteen of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four is hereby amended by inserting after the word “deputy”, in the first line and in the seventh line, the words :— or examiner, — so as to read as follows :—

Section 13. He or his deputy or examiner shall annually, and oftener if there seems occasion, examine the accounts and transactions of all receivers of insolvent insurance companies ; and shall also carefully examine all accounts of such receivers referred to him under the provisions of section ninety-five, and make report thereof to the court.

For the above purposes he or his deputy or examiner shall have free access to the official books and papers of such receivers relative to their transactions, and may examine such receivers under oath as to all matters connected therewith.

Whenever in his opinion any receiver has violated his duty in office, or further proceedings by receivers to collect an assessment will not offer substantial relief to creditors, the commissioner shall certify the facts to the court having jurisdiction of the proceedings.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1898.

Chap. 54. AN ACT RELATIVE TO THE DUTIES OF THE INSURANCE COMMISSIONER.

Be it enacted, etc., as follows :

To transmit
lists of corpo-
rate surety
companies to
registers of
probate and
insolvency.

SECTION 1. The insurance commissioner of the Commonwealth shall forthwith transmit to each register of probate and insolvency a list of all corporate surety companies qualified to do business in this Commonwealth so as to become sureties on bonds, and whenever new companies become qualified so to do business, or the right of qualified companies so to do business has ceased in this Commonwealth, the names of such companies shall forthwith be transmitted by the insurance commissioner to said registers.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1898.

AN ACT TO EXTEND THE POWERS OF THE TRUSTEES OF PHILLIPS
ACADEMY.

Chap. 55.

Be it enacted, etc., as follows:

SECTION 1. The Trustees of Phillips Academy are hereby authorized and empowered to confer degrees in divinity upon such graduates of the theological seminary in said academy, and other persons, as may be determined by said trustees to be suitable candidates for such degrees.

May confer degrees in divinity.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1898.

AN ACT RELATIVE TO THE ADMISSION OF PERSONS EXAMINED FOR
ADMISSION TO PRACTICE IN THE COURTS OF THE COMMONWEALTH
OF MASSACHUSETTS.

Chap. 56.

Be it enacted, etc., as follows:

SECTION 1. All persons who petitioned for examination, and who were examined by examiners of the different counties prior to the first day of January in the year eighteen hundred and ninety-eight, may, notwithstanding the provisions of chapter five hundred and eight of the acts of the year eighteen hundred and ninety-seven, be admitted to practice in the courts of the Commonwealth upon recommendation of the board of examiners by whom they were examined prior to the first day of January in the year eighteen hundred and ninety-eight.

Certain persons may be admitted to practice in the courts.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1898.

AN ACT TO AUTHORIZE THE CITY OF NEWTON TO MAKE AN ADDI-
TIONAL WATER LOAN.

Chap. 57.

Be it enacted, etc., as follows:

SECTION 1. The city of Newton, for the purposes specified in chapter three hundred and forty-four of the acts of the year eighteen hundred and seventy-two, entitled "An Act to supply the town of Newton with water", and all acts in amendment thereof and in addition thereto relating to a water supply for said city of Newton, may issue notes, bonds or scrip from time to time, signed by the treasurer and countersigned by the mayor, to be denominated on the face thereof, Newton Water Loan, to an amount not exceeding three hundred thousand dollars in addition to the amounts heretofore

Newton Water Loan.

(authorized by law to be issued by the town or city of Newton for the same purpose. Said notes, bonds and scrip shall be issued upon the same terms and conditions as those heretofore issued by said city for said purpose, and shall be omitted in ascertaining the amount of indebtedness of said city under the provisions of chapter twenty-nine of the Public Statutes. The whole amount of such notes, bonds and scrip issued by said town and city, together with those already authorized, shall not exceed the amount of two million three hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1898.

Chap. 58. AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE COMMISSIONER OF PUBLIC RECORDS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

Commissioner
of public
records.

For the salary of the commissioner of public records, twenty-five hundred dollars.

Expenses.

For travelling, clerical and other necessary expenses of the commissioner of public records, a sum not exceeding eighteen hundred and ten dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1898.

Chap. 59. AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE EXTERMINATION OF CONTAGIOUS DISEASES AMONG HORSES, CATTLE AND OTHER ANIMALS.

Be it enacted, etc., as follows:

Extermination
of contagious
diseases among
animals.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of meeting expenses in connection with the extermination of contagious diseases among horses, cattle and other animals, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1898.

AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE TOPOGRAPHICAL SURVEY AND MAP OF MASSACHUSETTS. *Chap. 60.*

Be it enacted, etc., as follows:

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit: — Appropriation.

For the determination of town boundary lines and all necessary expenses in connection with the regular work of the commission on topographical survey and map of Massachusetts, a sum not exceeding twenty thousand dollars. Commission on topographical survey, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1898.

AN ACT TO EXTEND THE TIME FOR CONSTRUCTING AND OPERATING THE TEMPLETON STREET RAILWAY. *Chap. 61.*

Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter two hundred and five of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the word "two", in the fourth line, and inserting in place thereof the word: — four, — so as to read as follows: — *Section 9.* The authority herein granted shall cease as to the location in any town, when no portion of the proposed road has been built and put in operation at the end of four years from the passage of this act. 1896, 205, § 9, amended.
Authority to cease under certain conditions.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES OF EMPLOYEES, AND OTHER NECESSARY EXPENSES IN THE DEPARTMENT OF THE SERGEANT-AT-ARMS. *Chap. 62.*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit: — Appropriations.

Engineer's department.	For the salaries of the chief engineer and other employees in the engineer's department, a sum not exceeding ten thousand one hundred dollars.
Watchmen, etc.	For the salaries of the watchmen and assistant watchmen at the state house, a sum not exceeding eleven thousand one hundred dollars.
Firemen, etc.	For the salaries of firemen, oilers and cleaners at the state house, a sum not exceeding ten thousand five hundred dollars.
Elevators	For the salaries of the elevator men, and expenses in connection with the elevators at the state house, a sum not exceeding sixty-eight hundred dollars.
Special messenger, etc.	For the salaries of the special messenger and porters at the state house, a sum not exceeding four thousand six hundred dollars.
Telephones.	For rent of telephones and expenses in connection therewith at the state house, a sum not exceeding five thousand dollars.
Fuel and lights.	For fuel and lights at the state house, including coal, water, gas, and removal of ashes, a sum not exceeding twenty-five thousand dollars.
Care of state house, etc.	For the care of the state house and grounds, including repairs, furniture and repairs thereof, and such expenses as may be necessary at the various buildings on Mount Vernon street now occupied by state departments, a sum not exceeding twenty-five thousand dollars.
New furniture, etc.	For new furniture and fixtures, a sum not exceeding five thousand dollars.
Messengers, etc.	For the salaries of the messengers to the sergeant-at-arms, known as sergeant-at-arms' messengers, including an office boy, a sum not exceeding forty-two hundred dollars.
Widow of James N. Tolman.	For the widow of the late James N. Tolman, as authorized by chapter thirty-eight of the resolves of the year eighteen hundred and ninety-seven, the sum of two hundred and fifty-six dollars and sixty-seven cents.
Incidental expenses, etc.	For incidental and contingent expenses of the sergeant-at-arms, a sum not exceeding three hundred dollars.
Stenographer.	For the salary of the stenographer of the sergeant-at-arms, a sum not exceeding eight hundred dollars.
Matron.	For the salary of the state house matron, a sum not exceeding eight hundred dollars.
Janitor, Commonwealth building.	For the salary of the janitor at the Commonwealth building, a sum not exceeding nine hundred dollars.

For repairs, improvements, furniture and other necessary expenses at the Commonwealth building, a sum not exceeding five thousand dollars. Repairs, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1898.

AN ACT TO CONFER CERTAIN POWERS UPON THE CITY OF NEWTON Chap. 63.
IN RESPECT TO WATER COURSES IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Newton for drainage purposes or for the protection of the public health, or both, may within the limits of said city, from time to time, improve the brooks and natural streams flowing in or through said city or any portion thereof, by widening the same, removing obstructions in or over the same, diverting the water, altering the courses or deepening the channels thereof, and the more effectually to make said improvements may take land in fee simple or otherwise on either side of the present channels of any such brook or natural stream, or may take land to form new channels into which said waters or any surface waters may be diverted within the limits of said city. May take land for drainage purposes, etc.

SECTION 2. When land is taken by virtue of the preceding section the proceedings shall be the same as in the laying out of ways in said city. Proceedings.

SECTION 3. Damages occasioned by the making of said improvements shall be ascertained and recovered as in the laying out of ways in said city. Damages.

SECTION 4. At any time within two years after any brook or natural stream in said city is improved in any of the ways mentioned in the first section of this act, under an order declaring the same to be done under the provisions of law authorizing the assessment of betterments, if in the opinion of the board of aldermen of said city any real estate in said city, including that, if any, of which a part is taken therefor, receives any benefit or advantage therefrom beyond the general advantages to all real estate in said city, the board may determine the value of said benefit and advantage to such real estate, and may assess upon the same a proportionate share of the expense of making such improvement; but no such assessment shall exceed one half of such adjudged benefit and advantage, nor shall the same be made until the work of making such Certain real estate may be assessed a proportionate share of expense.

Certain provisions of law to apply.

improvement is completed. All laws now or hereafter in force in relation to the assessment and collection of betterments in the case of the laying out, altering, widening, grading or discontinuing of ways in said city shall, so far as the same are applicable and not inconsistent with the provisions of this act, apply to the doings of the board of aldermen under this act; and all persons upon whose estates betterments are assessed under the provisions of this act, who are aggrieved thereby, shall have the same remedies as are now or may hereafter be provided by law for persons aggrieved by the assessment or levy of betterments in the laying out of ways in said city.

SECTION 5. This act shall take effect upon its passage.

Approved February 16, 1898.

Chap. 64. AN ACT RELATIVE TO CERTIFICATES AND RETURNS OF CORPORATIONS.

Be it enacted, etc., as follows:

1897, 492, § 2,
amended.

SECTION 1. Section two of chapter four hundred and ninety-two of the acts of the year eighteen hundred and ninety-seven is hereby amended by striking out all after the word "shall", in the second line, and inserting in place thereof the words:—be sworn to the faithful performance of his duties by some justice of the peace or other magistrate duly authorized to administer oaths or affirmations; and evidence of such appointment and qualification shall be filed in the office of the commissioner of corporations,—so as to read as follows:—*Section 2.*

Auditors of certain corporations to qualify.

Every auditor appointed under the provisions of this act shall be sworn to the faithful performance of his duties by some justice of the peace or other magistrate duly authorized to administer oaths or affirmations; and evidence of such appointment and qualification shall be filed in the office of the commissioner of corporations.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1898.

Chap. 65. AN ACT RELATIVE TO THE DISTRIBUTION OF TRUST ESTATES.

Be it enacted, etc., as follows:

Certain trust estates may be converted into cash for distribution, etc.

SECTION 1. Whenever by the provisions of a written instrument a trust estate is to be distributed in whole or in part among the heirs or next of kin of any person or persons, or to a class of persons, the probate court, on the application of any person interested, after such notice

as it may direct, may order the said estate, both real and personal, or either, to be converted into cash, and distribution thereof to be made to such individual or individuals as, according to such instrument, seem to be entitled thereto, and such order of distribution shall protect the trustee obeying the same as fully as an order of distribution in the case of an intestate estate.

SECTION 2. Whenever the residence of a person to whom is payable any portion of the trust fund under such an order of distribution is unknown, or whenever such a person is under the age of twenty-one years, and has no legal guardian, the court may, on being satisfied of said fact, direct that the share due to such person be deposited or invested in the manner provided in section sixteen of chapter one hundred and forty-four of the Public Statutes, and subject to the provisions thereof.

Shares due to certain persons may be invested, etc.

Approved February 17, 1898.

AN ACT TO INCORPORATE THE FALMOUTH WATER COMPANY.

Chap. 66.

Be it enacted, etc., as follows:

SECTION 1. John S. Bleakie, Robert Bleakie, William H. Hewins, George E. Dean, Horace S. Crowell and Phineas W. Sprague, their associates and successors, are hereby made a corporation by the name of the Falmouth Water Company, for the purpose of supplying the inhabitants of the town of Falmouth with water for the extinguishment of fires and for domestic, manufacturing, and all other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Falmouth Water Company incorporated.

SECTION 2. Said corporation may purchase from the owner or owners, individual or corporate, and said owner or owners may sell to said corporation, any lands, springs, or dug or driven wells, the quality of whose waters are approved by the state board of health for domestic use, or any water pipes, pumps, pumping machinery or structures, appliances, easements or other property rights or franchises now used in furnishing the inhabitants of said town or any portion thereof with water, and all the estate, rights and privileges of said owners therein. Said corporation for the purposes aforesaid may also take by purchase or otherwise and hold the waters of any brook, stream, pond, spring, or artesian, dug or driven well or

May take certain lands, waters, etc.

May erect
structures, lay
down pipes,
etc.

Provides.

Description of
lands, etc., to
be recorded.

wells, within said town, and all the waters connected therewith, the water for domestic use to be approved by the state board of health, and also all lands, rights of way and easements necessary for digging, driving, constructing and maintaining such well or wells and for holding and preserving the waters aforesaid and conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, filter galleries, reservoirs, stand pipes, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other appliances as may be necessary for holding, storing, preserving and conveying the waters herein authorized to be taken, and for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways of any kind, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may enter upon, dig up, raise and embank any such lands and ways: *provided, however*, that said corporation shall not enter upon and dig up, raise and embank any public ways except upon approval of the board of selectmen of the town in which such ways are situated, after a public hearing by said board, of which at least ten days' notice shall be given by publishing an attested copy of said notice in a newspaper published in said town, if any, and by posting an attested copy of said notice in at least five public places in said town; and *provided, further*, that no hearing shall be necessary in cases where said ways are to be entered upon and dug up by said corporation for the purposes of constructing extensions to its plant and maintaining and repairing such conduits, pipes and other works.

SECTION 3. Said corporation shall within sixty days after the taking of any lands, rights of way, water, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the president of the corporation.

SECTION 4. Said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of the damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of one year from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of one year. No application for the assessment of damages shall be made for the taking of any water, water source or water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act, nor after one year from the date of such actual withdrawal or diversion.

Damages.

SECTION 5. Said corporation may by vote from time to time fix and determine what amount or quantity of water it proposes to take and appropriate under this act, in which case the damages for such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, in which event said corporation shall be further liable pro rata for the additional water taken.

May determine amount of water to be taken, etc.

SECTION 6. Said corporation may distribute water through said town of Falmouth or any part thereof, may regulate the use of said water and fix and collect water rates to be paid for the use of the same; and said town or any fire district established or that may hereafter be established therein, or any individual or corporation, may make such contracts with said water company to supply water for the extinguishment of fires and for other purposes as may be agreed upon by said town, fire district, individual or corporation, and said Falmouth Water Company; and may establish and maintain public fountains and hydrants and relocate or discontinue the same. Said water company may receive and hold by an assignment any contract already authorized and entered into by said town or fire district, or by any individual or corporation with any other individual or corporation, for the supply of water for the extinguishment of fires or for any other

Distribution of water, etc.

Proviso.

purposes: *provided, however*, that said water company shall, before furnishing water for fire, domestic, manufacturing or other purposes, within the territory now covered by the charter of the Falmouth Heights Water Company, except by mutual agreement, acquire by purchase or otherwise the property and rights of said Falmouth Heights Water Company, provided the water furnished by said Falmouth Heights Water Company is of quality approved by the state board of health for domestic purposes. And it is further provided that nothing in this act shall be construed as enlarging or diminishing the existing rights of the shareholders in the Falmouth Highlands Trust under chapter two hundred and twenty-six of the acts of the year eighteen hundred and ninety-one.

Real estate and capital stock.

SECTION 7. Said corporation may, for the purposes set forth in this act, hold real estate not exceeding twenty-five thousand dollars in value, and the whole capital stock of said corporation shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

Certificate of payment of capital to be filed, etc.

SECTION 8. Immediately after the payment of the capital of said company a certificate shall be signed and sworn to by its president, treasurer, and at least a majority of the directors, stating the fact of such payment, the manner in which the same has been paid in, and the manner in which such capital has been invested or voted by the corporation to be invested at the time of making the certificate. Such certificate shall be approved by the commissioner of corporations and shall be filed in the office of the secretary of the Commonwealth. A conveyance to the corporation of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer, and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and endorsed with his certificate that he is satisfied that said valuation is fair and reasonable.

May issue mortgage bonds etc.

SECTION 9. Said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued

shall only be expended in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

SECTION 10. The capital stock and bonds hereinbefore authorized shall be issued only in such amounts as may from time to time upon investigation by the commissioner of corporations be deemed by him to be reasonably requisite for the purposes for which such issue of stock or bonds has been authorized. His decision approving such issue shall specify the respective amounts of stock and bonds authorized to be issued, and the purposes to which the proceeds thereof are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the Commonwealth before the certificates of stock or the bonds are issued, and the proceeds of such stock or bonds shall not be applied to any purposes not specified in such decision.

Issue of stock and bonds to be approved by commissioner of corporations.

SECTION 11. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of the damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful and wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for corruption of water, etc.

SECTION 12. Said town of Falmouth shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of the purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the

Town may take franchise, property, etc.

Statement of receipts and expenditures to be submitted annually, etc.

total cost. An itemized statement of the receipts and expenditures of said corporation shall be annually submitted to the selectmen of the town of Falmouth, and by said selectmen to the citizens of said town. Said town on taking as herein provided the property of said corporation shall assume all of its outstanding obligations, including the bonds authorized in this act, and said bonds shall, upon request of the holders thereof, bear a certificate from the town treasurer that the principal and interest when due shall be paid, as therein set forth, by said town. The amount of bonds thus assumed shall be deducted from the total amount to be paid by said town to said corporation. In case said town shall have voted to purchase of said corporation its franchise, corporate property, rights and privileges, and cannot agree with said corporation upon the amount of the total actual cost thereof, then upon a suit in equity by either said town or said corporation the supreme judicial court shall ascertain and fix such total actual cost under the foregoing provisions of this act, and shall enforce the right of said town to take possession of said franchise, corporate property, rights and privileges, upon the payment of such cost to said corporation. This authority to take said franchise and property is granted on condition that the same is assented to by said town by a two thirds vote of the voters present and voting thereon at a meeting called for that purpose: *provided*, that no more than three such meetings shall be held in any one year.

In case of disagreement supreme judicial court to fix cost, etc.

Taking to be assented to by a two thirds vote

Proviso.

Falmouth Water Loan.

SECTION 13. Said town may, for the purpose of paying the cost of said franchise and corporate property and the liabilities and the necessary expenses incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and fifty thousand dollars; such bonds, notes or scrip shall bear on their face the words, Falmouth Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper. Said town shall pay the interest on said loan as it accrues,

Payment of loan.

and shall provide for the payment of said principal at maturity, by establishing at the time of contracting said debt a sinking fund, or from year to year by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said town shall decide to establish a sinking fund it shall contribute thereto annually a sum of money sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town shall decide to pay the principal of said loan by instalments such amounts as may be necessary to make such payments shall without further vote of said town be raised annually by taxation, in the same manner as money is raised for other town expenses.

SECTION 14. Said town shall, after its purchase of said franchise and corporate property as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years.

Water commissioners, election, terms.

SECTION 15. All the authority granted to said town by this act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject however to such restrictions, rules and regulations as said town may impose by its votes. Said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal meeting called for the purpose.

Powers, duties, etc.

SECTION 16. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, or the bonds of said corporation assumed by said town, if any, and to make such contributions to the sinking fund as may be required under the provisions of this

Payment of expenses, etc.

act. Said town is further authorized, by a two thirds vote of the voters of said town present and voting at any legal meeting, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith, not exceeding five thousand dollars in any one year.

When to take effect.

SECTION 17. This act shall take effect upon its passage, but shall become void unless said water company shall have commenced to distribute water through its pipes to consumers in said town within three years from the date of its passage.

Approved February 18, 1898.

Chap. 67. AN ACT TO AUTHORIZE THE COMMISSIONER OF PUBLIC RECORDS TO EXPEND MONEY FOR THE PRESERVATION OF CERTAIN PUBLIC RECORDS.

Be it enacted, etc., as follows:

1892, 333, § 3, amended.

Section three of chapter three hundred and thirty-three of the acts of the year eighteen hundred and ninety-two is hereby amended by adding at the end thereof the words: — and for that purpose he may expend from the amount appropriated for expenses such sums as he deems necessary, — so as to read as follows: — *Section 3.* It shall be the duty of said commissioner to take such action as may be necessary to put the public records of the counties, cities, towns, churches, parishes or religious societies of the Commonwealth, in the custody and condition contemplated by the various laws relating to such records, and to secure their preservation; and for that purpose he may expend from the amount appropriated for expenses such sums as he deems necessary.

Duties of commissioner of public records.

Approved February 18, 1898.

Chap. 68. AN ACT RELATIVE TO THE DECENNIAL CENSUS.

Be it enacted, etc., as follows:

Decennial census.

SECTION 1. The bureau of statistics of labor is hereby authorized to expend the sum of fifteen thousand dollars, in addition to the amount authorized by section seventeen of chapter two hundred and twenty-four of the acts of the year eighteen hundred and ninety-four, for the purposes of the decennial census of the year eighteen hundred and ninety-five, exclusive of the cost of paper for schedules,

and of printing, stereotyping and binding the abstracts and reports of said census.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1898.

AN ACT RELATIVE TO THE PROBATE OF WILLS, THE GRANTING OF LETTERS TESTAMENTARY, AND THE APPOINTMENT OF ADMINISTRATORS IN CERTAIN CASES.

Chap. 69.

Be it enacted, etc., as follows :

SECTION 1. When a judge or register of probate desires to be appointed administrator, or administrator with the will annexed, of the estate of his wife, child, father or mother, residing in his county, or the executor of the will of such wife, child, father or mother, such appointment may be made and such will may be proved and allowed, and all subsequent proceedings authorized by law and relating to the estate may be had, in the probate court of any adjoining county.

Appointment of judge or register of probate as administrator in certain cases, etc.

SECTION 2. The register of probate of the county in which such appointment is made, or such will proved, shall forthwith transmit to the register of probate of the county in which the deceased resided or of which said deceased was an inhabitant, a true and attested copy of the petition, the decree thereon, the will allowed, if any, the bond given and the letters of administration or letters testamentary, and he shall thereafter so transmit an attested copy of any inventory, account, affidavit or other paper that shall be filed and entered on the docket, and of any petition on which a decree shall be made, and of the decree thereon.

Copy of petition, decree, bond, etc., to be transmitted.

SECTION 3. This act shall take effect upon its passage.

Approved February 18, 1898.

AN ACT TO AUTHORIZE THE NATIONAL DOCK AND WAREHOUSE COMPANY TO HOLD ADDITIONAL REAL ESTATE.

Chap. 70.

Be it enacted, etc., as follows :

SECTION 1. The National Dock and Warehouse Company is hereby authorized to purchase and hold, for the purposes and with the powers set forth in chapter twenty-six of the acts of the year eighteen hundred and sixty-five, certain real estate in East Boston adjacent to that described in said chapter, and bounded and described as follows:—Northwesterly on Lewis street, northeasterly

May purchase and hold certain additional real estate, etc.

on Sumner street, southeasterly by land now or late of the Eastern Railroad Company, and southwesterly on Webster street, with all the privileges and appurtenances thereto belonging.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1898.

Chap. 71. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH.

Be it enacted, etc., as follows :

- | | |
|------------------------------|--|
| Appropriations. | SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : — |
| Secretary. | For the salary of the secretary of the Commonwealth, thirty-five hundred dollars. |
| First clerk. | For the salary of the first clerk in the secretary's department, twenty-two hundred dollars. |
| Second clerk. | For the salary of the second clerk in the secretary's department, two thousand dollars. |
| Chief of archives division. | For the salary of the chief of the archives division in the secretary's department, two thousand dollars. |
| Cashier. | For the salary of the cashier in the secretary's department, a sum not exceeding fifteen hundred dollars. |
| Extra clerks and messengers. | For messengers, and such additional clerical assistance as the secretary may find necessary, a sum not exceeding twenty-two thousand dollars. |
| Expenses. | For incidental and contingent expenses in the department of the secretary of the Commonwealth, a sum not exceeding thirty-five hundred dollars. |
| Arrangement of records, etc. | For the arrangement and preservation of state records and papers, under the direction of the secretary of the Commonwealth, a sum not exceeding five thousand dollars. |
| Postage, etc. | For postage and expressage on documents to members of the general court, also for transportation of documents to free public libraries, a sum not exceeding twenty-five hundred dollars. |
| Record inks. | For the purchase of record inks for public records, under the direction of the secretary, a sum not exceeding five hundred dollars. |
| Purchase of histories. | For the purchase of histories of regiments, batteries or other military organizations of Massachusetts volun- |

teers who served in the late war, a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ADJUTANT GENERAL, AND FOR SUNDRY OTHER MILITARY EXPENSES.

Chap. 72.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit :—

For the salary of the adjutant general, thirty-six hundred dollars. Appropriations. Adjutant general.

For the salary of the first clerk of the adjutant general, twenty-two hundred dollars. First clerk.

For the salary of the second clerk of the adjutant general, sixteen hundred dollars. Second clerk.

For the salary of an additional clerk in the adjutant general's department, two thousand dollars. Additional clerk.

For the salaries of the two extra clerks in the adjutant general's department, twelve hundred dollars each. Extra clerks.

For the salary of the messenger of the adjutant general, eight hundred dollars. Messenger.

For such additional clerical assistance as the adjutant general may deem necessary, and for compensation of employees at the state arsenal, a sum not exceeding sixty-three hundred dollars. Clerical assistance, etc.

For compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and nine thousand dollars. Militia compensation.

For transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding nineteen thousand dollars. Transportation.

For incidental and contingent expenses in the adjutant general's department, a sum not exceeding four thousand dollars. Expenses.

For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-seven thousand dollars. Rent of armories, etc.

Quarter-masters' supplies.	For quartermasters' supplies, a sum not exceeding twenty-two thousand dollars.
Expenses.	For incidental and contingent expenses of the quartermaster general's department, a sum not exceeding five thousand dollars.
Camp ground.	For grading and care of the camp ground of the Commonwealth at Framingham, a sum not exceeding one thousand dollars.
Military accounts.	For military accounts in connection with the volunteer militia not otherwise provided for, a sum not exceeding four thousand dollars.
Record of officers, sailors, etc.	For expenses in connection with the record of Massachusetts officers, sailors and marines, a sum not exceeding two thousand dollars.
Care of armories, etc.	For expenses of the care, heating, lighting and furnishing the armories recently erected in certain cities of the Commonwealth, for the use of the volunteer militia, a sum not exceeding twenty-two thousand dollars.
Janitors.	For services of janitors of certain armories, a sum not exceeding seven thousand dollars.
Clothing.	For allowance and repairs of clothing of the volunteer militia, a sum not exceeding nine thousand dollars.
Rifle practice.	For expenses in connection with the rifle practice of the volunteer militia, a sum not exceeding fifteen thousand dollars.
Surgeon general.	For the salary of the surgeon general, twelve hundred dollars.
Medical supplies, etc.	For medical supplies for the use of the volunteer militia, and for incidental and contingent expenses of the surgeon general, a sum not exceeding two thousand dollars.
Care, etc., of U. S. steamer Minnesota.	For care, furnishing and repair of the United States steamer Minnesota, which has been loaned to the Commonwealth and is now being used as an armory for the naval militia, a sum not exceeding four thousand dollars.
Sale of grass at camp ground, etc.	Any sums of money received under the provisions of section eighty-seven of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three, and from the sale of grass at the camp ground at Framingham during the year eighteen hundred and ninety-eight, may be expended by the quartermaster general during the present year, under the direction of the governor and council, for the construction and repair of buildings and other structures.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT
THE STATE PRISON.

Chap. 73.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.
propriated, to be paid out of the treasury of the Com-
monwealth from the ordinary revenue, for the purposes
specified, to meet expenses for the year ending on the
thirty-first day of December in the year eighteen hun-
dred and ninety-eight, to wit : —

For the payment of salaries at the state prison, a sum State prison.
not exceeding seventy-six thousand five hundred dollars.

For current expenses at the state prison, a sum not Expenses.
exceeding eighty-eight thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT
THE MASSACHUSETTS REFORMATORY.

Chap. 74.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.
propriated, to be paid out of the treasury of the Com-
monwealth from the ordinary revenue, for the purposes
specified, to meet expenses for the year ending on the
thirty-first day of December in the year eighteen hun-
dred and ninety-eight, to wit : —

For the payment of the salaries of officers at the Mas- Salaries of
sachusetts reformatory, a sum not exceeding eighty thou- officers.
sand eight hundred dollars.

For salaries and wages of instructors, teachers and Instructors,
other employees at the Massachusetts reformatory, a sum teachers, etc.
not exceeding twenty-four thousand nine hundred dollars.

For current expenses at the Massachusetts reformatory, Expenses.
a sum not exceeding one hundred and nine thousand seven
hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1898.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF THE
TUITION OF CHILDREN ATTENDING SCHOOL OUTSIDE THE TOWN
IN WHICH THEY RESIDE.

Chap. 75.

Be it enacted, etc., as follows :

SECTION 1. A sum not exceeding seventy-five hun- Tuition of cer-
dred dollars is hereby appropriated, to be paid out of tain children.
the treasury of the Commonwealth from the ordinary

revenue, for the payment of the tuition of children of any town in which a high school or school of corresponding grade is not maintained, who may attend a high school outside the town in which they reside.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1898.

Chap. 76. AN ACT RELATIVE TO ADVERTISING HEARINGS BEFORE LEGISLATIVE COMMITTEES.

Be it enacted, etc., as follows:

Advertising
hearings before
legislative
committees.

SECTION 1. No hearing before any committee of the general court, or of either branch thereof, shall be advertised at the expense of the Commonwealth in more than two newspapers published in any county, nor more than twice in any newspaper; and no hearing on a matter of special legislation affecting the interest of only a portion of the Commonwealth shall be advertised in any newspapers except those published in the county of Suffolk and in the localities directly interested therein.

Printing, type,
etc.

SECTION 2. In all the newspapers which may be designated to advertise such hearings the advertisements shall be uniformly printed in type not larger than nonpareil, set solid, and without display either in the headings or in the body of the advertisements.

Designation of
newspapers,
etc.

SECTION 3. Advertisements of hearings shall be published only in such newspapers as may be designated by the chairman on the part of the senate or of the house, and the clerk of the committee, and in each case the order for the advertisement shall be signed by the chairman and clerk of the respective committees, who shall designate therein the newspapers in which such advertisement is to be published, and shall file the same with the auditor of the Commonwealth, who shall thereupon forward a copy to the newspapers so designated for publication, and shall give such directions as he may deem necessary to secure uniformity in the style and manner of publication, as provided in section two. The auditor shall certify all bills for publishing such advertisements, and shall, during the first week in April in each session, report in detail to the general court the expenses incurred under this act by the several committees.

Auditor to cer-
tify bills, etc.

Repeal.

SECTION 4. Chapter three hundred and seventy-one of the acts of the year eighteen hundred and eighty-five

and chapter five hundred and three of the acts of the year eighteen hundred and ninety-seven are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved February 19, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE TREASURER AND RECEIVER GENERAL.

Chap. 77.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

Appropriations.

For the salary of the treasurer and receiver general of the Commonwealth, five thousand dollars.

Treasurer.

For the salary of the first clerk in the treasurer's department, twenty-five hundred dollars.

First clerk.

For the salary of the second clerk in the treasurer's department, two thousand dollars.

Second clerk.

For the salary of the cashier in the treasurer's department, two thousand dollars.

Cashier.

For the salary of the third clerk in the treasurer's department, fourteen hundred dollars.

Third clerk.

For the salary of the fund clerk in the treasurer's department, fourteen hundred dollars.

Fund clerk.

For the salary of the receiving teller in the treasurer's department, fourteen hundred dollars.

Receiving teller.

For the salary of the paying teller in the treasurer's department, fourteen hundred dollars.

Paying teller.

For the salary of the assistant bookkeeper in the treasurer's department, twelve hundred dollars.

Assistant bookkeeper.

For such additional clerical assistance in the treasurer's department as may be necessary for the despatch of public business, a sum not exceeding thirty-five hundred dollars.

Clerical assistance.

For the salary of the messenger in the treasurer's department, the sum of nine hundred dollars.

Messenger.

For incidental and contingent expenses in the treasurer's department, a sum not exceeding fifty-five hundred dollars.

Expenses.

For clerical assistance in the treasurer's department, in the care and custody of deposits made with the treas-

Clerical assistance.

urer in trust, a sum not exceeding eighteen hundred dollars.

Legacy tax clerk.

For the salary of the legacy tax clerk in the treasurer's department, eighteen hundred dollars.

Tax on collateral legacies, etc.

For such expenses as the treasurer may find necessary in carrying out the provisions of the act imposing a tax on collateral legacies and successions, a sum not exceeding twelve hundred dollars.

Deputy sealer of weights, etc.

For the salary of the deputy sealer of weights, measures and balances, twelve hundred dollars.

Expenses.

For travelling and other expenses of the deputy sealer of weights, measures and balances, a sum not exceeding five hundred dollars; and for furnishing sets of standard weights, measures and balances to towns not heretofore provided therewith, and to each newly incorporated town, also to provide cities and towns with such portions of said sets as may be necessary to make their sets complete, a sum not exceeding six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1898.

Chap. 78. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE AUDITOR OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

Auditor.

For the salary of the auditor, thirty-five hundred dollars.

First clerk.

For the salary of the first clerk in the auditor's department, twenty-two hundred dollars.

Second clerk.

For the salary of the second clerk in the auditor's department, two thousand dollars.

Extra clerks.

For the salaries of the extra clerks in the auditor's department, forty-five hundred dollars.

Stenographer, etc.

For a stenographer, messenger, and such additional clerical assistance as the auditor may find necessary for the proper despatch of public business, a sum not exceeding twenty-five hundred dollars.

For the compensation of a state printing expert, a sum not exceeding fifteen hundred dollars. Printing expert.

For incidental and contingent expenses in the department of the auditor, a sum not exceeding fifteen hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE RAILROAD COMMISSIONERS. Chap. 79.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit :— Appropriations.

For the salaries of the railroad commissioners, eleven thousand dollars. Railroad commissioners.

For the salary of the clerk of the railroad commissioners, twenty-five hundred dollars. Clerk.

For the salary of the assistant clerk of the railroad commissioners, a sum not exceeding twelve hundred dollars. Assistant clerk.

For the salary of the accountant of the railroad commissioners, twenty-five hundred dollars. Accountant.

For the salaries and expenses of the steam railroad inspectors, a sum not exceeding five thousand dollars. Railroad inspectors.

For the compensation of experts or other agents of the railroad commissioners, a sum not exceeding thirty-eight hundred dollars. Experts, etc.

For rent, care of office, and salary of a messenger for the railroad commissioners, a sum not exceeding four thousand dollars. Rent, messenger, etc.

For books, maps, statistics, stationery, and incidental and contingent expenses of the railroad commissioners, a sum not exceeding two thousand dollars. Stationery, etc.

For expenses in connection with taking evidence given at inquests on deaths by accident upon steam and street railroads, a sum not exceeding two thousand dollars. Evidence at inquests.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1898.

Chap. 80. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN
THE DEPARTMENT OF THE TAX COMMISSIONER.

Be it enacted, etc., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —

Tax commissioner. For the salary of the tax commissioner and commissioner of corporations, thirty-five hundred dollars.

First clerk. For the salary of the first clerk in the department of the tax commissioner, two thousand dollars.

Second clerk. For the salary of the second clerk in the department of the tax commissioner, fifteen hundred dollars.

Clerical assistance. For such additional clerical assistance as the tax commissioner may find necessary for the despatch of public business, a sum not exceeding sixteen thousand dollars.

Expenses. For incidental and contingent expenses of the tax commissioner and commissioner of corporations, a sum not exceeding thirty-four hundred dollars.

State valuation. For expenses of the state valuation, under the direction of the tax commissioner, a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1898.

Chap. 81. AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF ANNUITIES
TO SOLDIERS AND OTHERS.

Be it enacted, etc., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of annuities and pensions due from the Commonwealth to soldiers and others, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —

Johonnot annuities. For annuities due from the Commonwealth, incurred by the acceptance of the bequest of the late Martha Johonnot, a sum not exceeding three hundred dollars.

For annuities to soldiers and others, as authorized by the legislature, the sum of forty-three hundred and ninety dollars.

Annuities to soldiers, etc.

For pensions authorized by the legislature, the sum of five hundred and twenty dollars.

Pensions.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1898.

AN ACT MAKING AN APPROPRIATION FOR THE COMPENSATION AND EXPENSES OF THE COMMISSION APPOINTED TO INQUIRE INTO THE EXPEDIENCY OF REVISING AND AMENDING THE LAWS OF THE COMMONWEALTH RELATING TO TAXATION.

Chap. 82.

Be it enacted, etc., as follows:

SECTION 1. The sum of fifty-six hundred sixty-four dollars and forty-seven cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the compensation and expenses of the commission appointed to inquire into the expediency of revising and amending the laws of the Commonwealth relating to taxation, as authorized by chapter one hundred and eleven of the resolves of the year eighteen hundred and ninety-six, said sum to be in addition to the five thousand dollars appropriated by chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-six.

Commission on laws relating to taxation.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1898.

AN ACT RELATIVE TO THE TIME OF OPENING MEETINGS FOR THE ELECTION OF TOWN OFFICERS.

Chap. 83.

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and forty-eight of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting after the word "state", in the twenty-first line, the words:— and town,—so that the third paragraph of said section will read as follows:—In towns, meetings for the election of state and town officers may be opened as early as six o'clock in the forenoon, and shall be opened as early as twelve o'clock, noon. The polls shall be kept open four hours at least, and until the time specified in the warrant when they may be closed; and they may be opened for such longer time

1893, 417, § 148, amended.

Time of opening and closing meetings for election of town officers.

as the majority of the voters present shall by vote direct, but they shall not, except as provided in said section one hundred and fifty-four, be kept open after the hour of sunset; and after an announcement has been made by the presiding officer of a time so fixed by vote for closing, such time shall not be changed to an earlier hour. In meetings for the election of town officers as aforesaid, the polls shall be kept open four hours at least.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1898.

Chap. 84. AN ACT RELATIVE TO THE PLACING OF OFFICERS OF THE VOLUNTEER MILITIA UPON THE RETIRED LIST.

Be it enacted, etc., as follows:

1897, 448, § 4,
amended.

SECTION 1. Section four of chapter four hundred and forty-eight of the acts of the year eighteen hundred and ninety-seven is hereby amended by inserting after the word "years", in the ninth line, the words:—or has served as a commissioned officer for the continuous period of fifteen years, or, having served in the army or navy of the United States at any time during the war of the rebellion and having been honorably discharged therefrom, has also served as a commissioned officer in the militia of this Commonwealth for the continuous period of five years,—by striking out the word "increased", in the ninth line, and by inserting after the word "rank", in the tenth line, the words:—next in grade above that held by him at the time such application is made,—so as to read as follows:—*Section 4.* Any commissioned officer in the militia service who shall have served as such in the active militia of this Commonwealth for the continuous period of ten years may, upon his own application, be placed upon the retired list, with the rank held by him at the time such application is made: *provided, however,* that an officer so retired who, at the time of making such application, has remained in the same grade for the continuous period of ten years, or has served as a commissioned officer for the continuous period of fifteen years, or, having served in the army or navy of the United States at any time during the war of the rebellion and having been honorably discharged therefrom, has also served as a commissioned officer in the militia of this Commonwealth for the con-

Certain com-
missioned
officers may
upon application
be retired, etc.

Proviso.

tinuous period of five years, shall be retired with rank next in grade above that held by him at the time such application is made. Retired officers on occasions of ceremony may, and when acting under orders as hereinafter provided shall, wear the uniform of their retired rank. Retired officers shall be eligible to perform any military duty to the same extent as if not retired, and the commander-in-chief may, in his discretion, by order require them to serve upon military boards, courts of inquiry and courts-martial, or to perform any other special or temporary military duty, and for such service they shall receive the same pay and allowances as are provided by law for like service by the officers of the active militia. All retired officers shall be amenable to court-martial for military offences, to the same extent as if upon the active list of the volunteer militia. The names of all officers of retired rank shall be borne on a separate roster, kept under the supervision of the adjutant general. Retired officers shall report to the adjutant general any change in their residence whenever such change occurs.

SECTION 2. Any commissioned officer who may have been placed upon the retired list since the first day of January in the year eighteen hundred and ninety-eight may, with the approval of the commander-in-chief, be given the same rank which he would have if retired after the passage of this act.

SECTION 3. This act shall take effect upon its passage.

Approved February 19, 1898.

Rank of certain retired commissioned officers.

AN ACT TO AUTHORIZE THE TOWN OF SHARON TO MAKE AN ADDITIONAL WATER LOAN.

Chap. 85.

Be it enacted, etc., as follows:

SECTION 1. The town of Sharon, for the purposes mentioned in chapter two hundred and forty-one of the acts of the year eighteen hundred and ninety-four, and for the further extension, maintenance and improvement of its water supply system, may issue bonds, notes or scrip from time to time, to be denominated on the face thereof, Sharon Water Loan, to an amount not exceeding fifteen thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes. Said bonds, notes or scrip shall

Sharon Water Loan.

be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Sharon water loan by said town.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1898.

Chap. 86. AN ACT RELATIVE TO THE CUSTODY OF SHADE TREES IN THE CITY OF TAUNTON.

Be it enacted, etc., as follows :

Care, etc., of
shade trees in
Taunton.

SECTION 1. The park commissioners of the city of Taunton shall have the custody, care and control of the shade trees in the streets, squares and public places of said city.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1898.

Chap. 87. AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE CHILDREN OF JOHN KELLY.

Be it enacted, etc., as follows :

Children of
John Kelly.

SECTION 1. The city of Boston is hereby authorized to pay to the children of John Kelly late an employee in the building department in said city, the balance of the salary to which he would have been entitled had he lived and continued to hold his office until the end of the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1898.

Chap. 88. AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE CHILDREN OF CHARLES A. LAMBERT.

Be it enacted, etc., as follows :

Children of
Charles A.
Lambert.

SECTION 1. The city of Boston is hereby authorized to pay to the children of Charles A. Lambert late an employee of the street department in said city, the balance of the salary to which he would have been entitled had he lived and continued to hold his office until the thirty-first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1898.

AN ACT TO AUTHORIZE THE WHEELWRIGHT SCIENTIFIC SCHOOL TO
HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 89.*

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter twenty-three of the acts of the year eighteen hundred and eighty-two is hereby amended by striking out the word "three", in the eighth line, and inserting in place thereof the word: — eight, — so as to read as follows: — *Section 2.* The said corporation shall have authority to receive, hold and manage the fund bequeathed for the purposes for which the said corporation is created by the will of William Wheelwright, late of Newburyport, deceased, and any other donations or bequests which may be made for its benefit, and may hold for the purposes aforesaid real and personal estate to an amount not exceeding eight hundred thousand dollars.

1882, 23, § 2,
amended.

May hold and
manage cer-
tain fund, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1898.

AN ACT TO INCORPORATE THE INDIAN RIDGE ASSOCIATION.

Chap. 90.

Be it enacted, etc., as follows:

SECTION 1. Alice Buck, Salome Jane Marland, Susan M. Blake, Emma J. Lincoln, Fannie S. Smith, Mary Kate Roberts, Sarah Nelson Carter, Warren F. Draper, Walter Buck, Cecil F. P. Bancroft, John Wesley Churchill, Matthew S. McCurdy, George Ripley, J. Warren Barnard and Albert Poor, all of Andover, in the county of Essex, and their associates and successors, are hereby made a corporation by the name of Indian Ridge Association, for the purpose of maintaining a public park or forest reservation in said town of Andover, subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations and not inconsistent with this act.

Indian Ridge
Association
incorporated.

SECTION 2. Said corporation shall consist of not less than fifty members. *Membership.*

SECTION 3. Said corporation may adopt such by-laws as it may deem best for carrying out the purposes of its organization: *provided, however,* that such by-laws shall contain nothing inconsistent with the provisions of law or of this act. *By-laws. Proviso.*

Trustees, election, terms, etc.

SECTION 4. The management and control of the property and effects of said corporation shall be vested in a board of not less than fifteen trustees, to be elected in accordance with the by-laws of the corporation, by the said associates and their successors, and the said trustees shall elect from their number a president, two vice presidents, and a treasurer and clerk, but nothing herein contained shall be construed to prevent the offices of the treasurer and clerk from being held by the same person.

Vacancies, etc.

Said trustees and said officers shall serve until their successors are elected and qualified in accordance with the by-laws of the corporation, and in case of a vacancy among said trustees or said officers, by resignation, death or otherwise, the remaining trustees shall elect from the members of the corporation successors to the trustees or officers so retiring, and such successors shall hold their offices until the next election of trustees. Said trustees shall be residents of the town of Andover, and the treasurer of said corporation may, at the discretion of said trustees, be required to furnish bonds for the proper discharge of the duties of his office; and in the choice of said trustees no distinction shall be made on account of sex.

May obtain and hold certain lands, etc.

SECTION 5. Said corporation may obtain by purchase, gift or otherwise, lands in said Andover not exceeding one hundred and fifty acres in extent, and may hold, develop and administer the same for park and pleasure purposes, or for the purpose of a forest reservation: *provided*, that the public shall have free access to said lands and park under reasonable regulations, to be prescribed by said associates and their successors.

Proviso.

Grants, bequests, etc.

SECTION 6. Said corporation may receive and hold for the purposes aforesaid any grants, donations or bequests, under such conditions and rules as may be prescribed in such grants, donations or bequests, if not inconsistent with the provisions of law and of this act, and in the absence of conditions attached to any grants, donations or bequests, all funds thus received shall be held in trust, the income only to be expended for the general purposes of the corporation as above provided. Such grants, donations or bequests, whether in real estate or personal property, not exceeding twenty-five thousand dollars in value, in addition to the land not exceeding one hundred and fifty acres in extent held under the provi-

sions of section five, shall be exempt from taxation so long as administered for the public purposes herein set forth.

SECTION 7. This act shall take effect upon its passage.

Approved February 24, 1898.

AN ACT RELATIVE TO THE SUPERINTENDENT OF STREETS OF THE CITY OF LAWRENCE.

Chap. 91.

Be it enacted, etc., as follows:

SECTION 1. The superintendent of streets of the city of Lawrence shall hereafter be elected by the voters of said city at the annual city election, and shall hold office for one year from the first Monday in January following. Vacancies in said office may be filled for the unexpired term by appointment by the mayor, subject to confirmation by the city council.

Superintendent of streets, election, term.

Vacancies.

SECTION 2. So much of chapter three hundred and twenty-six of the acts of the year eighteen hundred and ninety-five as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its acceptance by the legal voters of the city of Lawrence; and the question of its acceptance shall be submitted to said voters at the annual state election in the year eighteen hundred and ninety-eight. *Approved February 24, 1898.*

When to take effect.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE CIVIL SERVICE COMMISSION.

Chap. 92.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

Appropriations.

For the compensation and expenses of the members of the civil service commission, a sum not exceeding two thousand dollars.

Civil service commission.

For the salary of the chief examiner of the civil service commission, three thousand dollars.

Chief examiner.

For the salary of the secretary of the civil service commission, two thousand dollars.

Secretary.

For the salary of the registrar of labor of the civil service commission, two thousand dollars.

Registrar of labor.

Expenses.

For clerical assistance, expenses of examinations, printing civil service rules and regulations and other information for the use of applicants, printing, advertising and stationery, travelling and incidental expenses of the chief examiner, commissioners and secretary, and necessary office expenses, a sum not exceeding fifteen thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1898.

Chap. 93. AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE REFORMATORY PRISON FOR WOMEN.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

Reformatory prison for women.

For the payment of salaries, wages and labor at the reformatory prison for women, a sum not exceeding twenty-five thousand dollars.

Expenses.

For current expenses at the reformatory prison for women, a sum not exceeding thirty-two thousand dollars.

Sewage disposal.

For the town of Framingham, toward the annual expense of maintaining and operating the system of sewage disposal at the reformatory prison for women, the sum of six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1898.

Chap. 94. AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

Unclaimed moneys in hands of receivers.

For the payment of unclaimed moneys in the hands of receivers of certain insolvent corporations, after the

same have been deposited in the treasury of the Commonwealth, a sum not exceeding three thousand dollars.

To carry out the provisions of the act relative to the payment from the treasury of the Commonwealth of funds received from public administrators, a sum not exceeding four thousand dollars.

Funds received from public administrators.

For medical examiners' fees, a sum not exceeding five hundred dollars.

Medical examiners' fees.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen hundred and ninety-seven, the sum of three hundred dollars.

Construction, etc., of roads in Mashpee.

For assistance to the town of Truro in maintaining a section of its county highway, known as Beach Point road, a sum not exceeding five hundred dollars.

Beach Point road.

For the city of Waltham, for the annual assessment due from the Commonwealth towards maintaining and operating a system of sewage disposal at the Massachusetts School for the Feeble-minded, the sum of five hundred and twenty-six dollars and eight cents, as provided for in section three of chapter eighty-three of the acts of the year eighteen hundred and ninety-three.

City of Waltham.

For the support of Sarah J. Robinson, a prisoner in the jail at Lowell in the county of Middlesex, a sum not exceeding four hundred dollars.

Sarah J. Robinson.

For the compensation of probation officers, as authorized by section seven of chapter three hundred and fifty-six of the acts of the year eighteen hundred and ninety-one, a sum not exceeding six hundred dollars.

Probation officers.

For small items of expenditure for which no appropriations have been made or for which appropriations have been exhausted or have reverted to the treasury of the Commonwealth in previous years, a sum not exceeding one thousand dollars, to be expended under the direction of the auditor of the Commonwealth.

Small items of expenditure.

For furnishing cities and towns with ballot boxes, and for repairs to the same, a sum not exceeding three thousand dollars.

Ballot boxes.

For travelling and other necessary expenses of the trustees of the Lyman and industrial schools, a sum not exceeding one thousand dollars.

Lyman and industrial schools.

For expenses in connection with maintaining a military museum, as provided for by chapter two hundred and

Military museum.

four of the acts of the year eighteen hundred and ninety-seven, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1898.

Chap. 95. AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND NINETY-SEVEN.

Be it enacted, etc., as follows:

- | | |
|--|---|
| Appropriations. | SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of certain expenses in excess of appropriations therefor in the year eighteen hundred and ninety-seven, to wit: — |
| Inspection of milk, food and drugs. | For expenses in connection with the inspection of milk, food and drugs, the sum of sixty-two dollars and eleven cents. |
| Commission on laws relating to taxation. | For expenses of the commission on laws relating to taxation, the sum of one hundred fifty-one dollars and forty-three cents. |
| Registration books, etc. | For registration books and blanks, the sum of one hundred sixty-seven dollars and fifty-three cents. |
| Bridgewater normal school. | For expenses in connection with the buildings at the Bridgewater normal school, the sum of two hundred ninety-four dollars and eighty cents. |
| Treasurer and receiver general. | For incidental expenses in the department of the treasurer and receiver general, the sum of four hundred thirty-two dollars and twenty-one cents. |
| Ballot boxes. | For ballot boxes furnished cities and towns, the sum of four hundred seventy-one dollars and seventy-six cents. |
| Distribution of public documents. | For exchange and distribution of public documents, the sum of four hundred seventy-three dollars and nineteen cents. |
| Courts of insolvency. | For expenses of courts of insolvency, the sum of nine hundred sixty-six dollars and thirty-one cents. |
| Support of state paupers. | For the support of state paupers in the Massachusetts School for the Feeble-minded, the sum of thirty-one hundred twenty-seven dollars and thirty-two cents. |
| Printing and binding public documents. | For printing and binding public documents, the sum of forty-four hundred ninety-three dollars and nineteen cents. |

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1898.

AN ACT TO AUTHORIZE THE SPRINGFIELD GAS LIGHT COMPANY TO HOLD REAL ESTATE AND TO LAY PIPES AND FURNISH GAS IN THE TOWN OF LONGMEADOW.

Chap. 96.

Be it enacted, etc., as follows:

SECTION 1. The Springfield Gas Light Company is hereby authorized to hold real estate, to extend its mains and to lay pipes in the town of Longmeadow, and to furnish or to manufacture and to sell gas in said town for lighting, heating, cooking, power and other uses for which such gas is manufactured, subject to all the restrictions, limitations and provisions of the general laws relating to gas companies.

May extend its mains and furnish gas in Longmeadow.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1898.

AN ACT TO CHANGE THE NAME OF THE PENITENT FEMALES' REFUGE IN THE CITY OF BOSTON.

Chap. 97.

Be it enacted, etc., as follows:

SECTION 1. The name of The Penitent Females' Refuge in the City of Boston, incorporated by chapter thirty-six of the acts of the year eighteen hundred and twenty-three, is hereby changed to The Refuge in the City of Boston.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1898.

AN ACT TO AUTHORIZE THE MASSACHUSETTS HOMŒOPATHIC HOSPITAL TO HOLD PROPERTY TO THE AMOUNT OF THREE MILLION DOLLARS.

Chap. 98.

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts Homœopathic Hospital is hereby authorized, for the purposes set forth in its act of incorporation, to hold property to an amount not exceeding three million dollars.

May hold property.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1898.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THOMAS W. McCABE, THE FATHER OF JAMES W. McCABE.

Chap. 99.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Thomas W. McCabe, the father of James W.

Father of James W. McCabe.

McCabe late an inspector in the health department in said city, the balance of the salary to which the said James W. McCabe would have been entitled had he lived and continued to hold his office until the first day of February in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1898.

Chap.100 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT
THE LYMAN SCHOOL FOR BOYS.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

Lyman school for boys. For the payment of salaries, wages and labor at the Lyman school for boys, a sum not exceeding twenty-six thousand five hundred dollars.

Expenses. For current expenses at the Lyman school for boys, a sum not exceeding thirty-five thousand nine hundred and seventy-five dollars.

Agents. For salaries and expenses of such agents as the trustees of the Lyman and industrial schools may deem necessary to employ, a sum not exceeding sixty-eight hundred dollars.

Boarding out children. For expenses in connection with boarding out children by the trustees of the Lyman and industrial schools, a sum not exceeding three thousand dollars.

Instruction of certain children. For the education and instruction in the public schools in any city or town in the Commonwealth of children boarded or bound out by the trustees of the Lyman and industrial schools, a sum not exceeding three hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1898.

Chap.101 AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING
PUBLIC DOCUMENTS, THE PURCHASE OF PAPER AND PUBLISHING
LAWS.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Com-

monwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —

For printing and binding the series of public documents, a sum not exceeding sixty thousand dollars. Public documents.

For printing the pamphlet edition of the acts and resolves of the present year, a sum not exceeding four thousand dollars. Pamphlet edition, acts and resolves.

For printing and binding the blue book edition of the acts and resolves of the present year, a sum not exceeding seven thousand dollars. Blue book.

For the newspaper publication of the general laws and information intended for the public, a sum not exceeding five hundred dollars. Publication of laws, etc.

For reports of decisions of the supreme judicial court, a sum not exceeding two thousand dollars. Decisions of supreme judicial court.

For the purchase of paper used in the execution of the contract for the state printing, a sum not exceeding thirty thousand dollars. Purchase of paper.

For assessors' books and blanks, a sum not exceeding fifteen hundred dollars. Assessors' books, etc.

For registration books and blanks, indexing returns and editing registration report, a sum not exceeding forty-five hundred dollars. Registration books, etc.

For printing and distributing ballots, a sum not exceeding eighty-five hundred dollars. Printing, etc., ballots.

For blank forms for town officers, election laws and instructions on matters relating to elections, and expense of advertising the state ticket, a sum not exceeding three thousand dollars. Blank forms.

For furnishing blanks to registrars of voters, a sum not exceeding five hundred dollars. Blanks, etc.

For collating, indexing and publishing the acts and resolves of the general court from the adoption of the constitution to the year eighteen hundred and six, a sum not exceeding seven thousand dollars. Publication of early laws.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1898.

AN ACT TO AUTHORIZE THE CITY OF QUINCY TO SELL CERTAIN
REAL ESTATE.

Chap. 102

Be it enacted, etc., as follows :

SECTION 1. The city of Quincy, acting in concert with the supervisors of the Adams Temple and School May sell and convey certain land, etc.

Fund, may sell at public or private sale and convey in fee or otherwise any and all parcels of land conveyed to the inhabitants of the town of Quincy by John Adams, by his two deeds dated respectively the twenty-fifth day of June in the year eighteen hundred and twenty-two and the twenty-fifth day of July in the same year, in trust for certain purposes therein specified, and any other property, real, personal or mixed, held by said city subject to the same trust.

Proceeds to be invested, etc.

SECTION 2. The proceeds of such sales shall be invested and re-invested from time to time by said city, in concert with said supervisors, in real estate or in such securities as trustees are authorized to hold in this Commonwealth, and shall be held by said city subject always to the trust specified in said deeds.

Approved March 1, 1898.

Chap.103 AN ACT TO INCORPORATE WALTER BAKER & COMPANY, LIMITED.

Be it enacted, etc., as follows :

Walter Baker & Company, Limited, incorporated.

SECTION 1. J. Frank Howland, Hugh C. Gallagher, J. Malcolm Forbes, George v. L. Meyer and H. Hollis Hunnewell, their associates and successors, are hereby made a corporation by the name of Walter Baker & Company, Limited, for the purpose of purchasing the entire property of the existing corporation of the same name organized under the general law and carrying on the business for which said existing corporation was organized ; with a capital stock not exceeding four million seven hundred and fifty thousand dollars, and with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in chapters one hundred and five and one hundred and six of the Public Statutes and acts in addition thereto.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1898.

Chap.104 AN ACT TO CHANGE THE TITLE OF THE EXECUTIVE CLERK.

Be it enacted, etc., as follows :

Executive secretary.

SECTION 1. The executive clerk, appointed under the provisions of section six of chapter fifteen of the Public Statutes, shall hereafter be known as the executive secretary.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1898.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO MARY A. T. MORRISSEY, THE SISTER OF DENIS H. MORRISSEY.

Chap.105

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Mary A. T. Morrissey, the sister of Denis H. Morrissey late an employee of the assessing department in said city, the balance of the salary to which he would have been entitled had he lived and continued to hold his office until the thirty-first day of January in the year eighteen hundred and ninety-eight.

Sister of Denis H. Morrissey.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1898.

AN ACT RELATIVE TO THE TREE PLANTING COMMITTEE OF THE TOWN OF BROOKLINE.

Chap.106

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter fifty-seven of the acts of the year eighteen hundred and eighty-five is hereby amended by adding at the end thereof the following words:—Said committee of three shall serve without compensation, and shall have and may exercise all the powers and authority, and shall perform all the duties, which now are or may hereafter be conferred or imposed by law upon tree wardens or park commissioners of towns, in relation to shade trees in the public ways in said town: *provided, however*, that the powers and duties of said committee shall not extend to any trees, shrubs or vines within the limits of any public parks or public grounds of said town,—so as to read as follows:—*Section 1.* The town of Brookline may at an annual meeting, by a vote of two thirds of the legal voters present and voting thereon, appropriate a sum not exceeding one dollar for each of its ratable polls in the preceding year, to be expended by a committee of three to be chosen by ballot, in setting out and maintaining shade trees, shrubs or vines upon the public squares and highways of said town, or in premiums or in any other way which they may deem most effectual to encourage the planting of shade trees, shrubs or vines upon said public squares or highways by the owners of adjoining real estate, or upon said adjoining real estate, at a distance not exceeding twenty feet from said public

1885, 57, § 1, amended.

Town of Brookline may appropriate money for shade trees, choose committee, etc.

Powers and duties of committee.

squares or highways, for the purpose of shading or ornamenting the same. Said committee of three shall serve without compensation, and shall have and may exercise all the powers and authority, and shall perform all the duties, which now are or may hereafter be conferred or imposed by law upon tree wardens or park commissioners of towns, in relation to shade trees in the public ways in said town: *provided, however*, that the powers and duties of said committee shall not extend to any trees, shrubs or vines within the limits of any public parks or public grounds of said town.

Proviso.

When to take effect.

SECTION 2. This act shall take effect upon its passage so far as to allow said town to vote upon the acceptance of the same, but shall not take full effect unless or until it shall have been accepted by two thirds of the voters of said town present and voting thereon at a meeting duly called for the purpose, and held within one year from its passage.

Approved March 2, 1898.

Chap. 107 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE HARBOR AND LAND COMMISSIONERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit: —

Harbor and land commissioners.

For the salaries of the harbor and land commissioners, sixty-four hundred dollars.

Clerical assistance, etc.

For compensation and expenses of the engineer, and for clerical and other assistance authorized by the harbor and land commissioners, a sum not exceeding eight thousand dollars.

Travelling expenses, etc.

For travelling and other necessary expenses of the harbor and land commissioners, a sum not exceeding six hundred dollars.

Office expenses.

For incidental and contingent office expenses of the harbor and land commissioners, a sum not exceeding eight hundred dollars.

Province lands.

For expenses in connection with the care and supervision of the province lands in the town of Provincetown, to be expended under the direction of the harbor and

land commissioners, a sum not exceeding twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF HEALTH.

Chap.108

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit: —

Appropriations.

For the salary of the secretary of the state board of health, three thousand dollars.

State board of health, secretary.

For the general work of the state board of health, including all necessary travelling expenses, a sum not exceeding seventeen thousand dollars.

Expenses.

For salaries and expenses in connection with the inspection of milk, food and drugs, a sum not exceeding eleven thousand five hundred dollars.

Inspection of milk, food and drugs.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1898.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF CERTAIN EXPENSES IN CONNECTION WITH THE PROTECTION OF THE PURITY OF INLAND WATERS.

Chap.109

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding thirty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for services of engineers, chemists, biologists and other assistants, and for other expenses made necessary and authorized by chapter three hundred and seventy-five of the acts of the year eighteen hundred and eighty-eight, in connection with the protection of the purity of inland waters during the year eighteen hundred and ninety-eight.

Engineers, chemists, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1898.

Chap.110 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE FAMILY OF EDWARD C. CADIGAN.

Be it enacted, etc., as follows :

Family of
Edward C.
Cadigan.

SECTION 1. The city of Boston is hereby authorized to pay to the family of Edward C. Cadigan late a member of the common council of said city, the balance of the salary to which he would have been entitled had he lived and continued to hold his office until the end of the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1898.

Chap.111 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF CHARLES J. VAUGHN.

Be it enacted, etc., as follows :

Widow of
Charles J.
Vaughn.

SECTION 1. The city of Boston is hereby authorized to pay to the widow of Charles J. Vaughn late a clerk in the employ of said city, the balance of salary to which he would have been entitled had he lived and continued to hold his office until the end of the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1898.

Chap.112 AN ACT TO CONFIRM THE PROCEEDINGS OF THE ASSESSORS OF THE TOWN OF BELCHERTOWN FOR THE YEAR EIGHTEEN HUNDRED AND NINETY-FOUR.

Be it enacted, etc., as follows :

Proceedings of
assessors of
Belchertown
confirmed.

SECTION 1. The proceedings of the assessors of the town of Belchertown under the provisions of section two of chapter three hundred and fifty-two of the acts of the year eighteen hundred and ninety-three, in certifying to the mayor of the city of Springfield on the twenty-sixth day of August in the year eighteen hundred and ninety-four the average valuation of land required by said act, shall not be invalid by reason of the failure of said assessors to certify the same within one year from the passage of said act ; and such sum of money as would be due from the city of Springfield to said town of Belchertown had said certificate been duly and legally made shall be due and payable as if said certificate to the

mayor of Springfield had been made within the year required by said act.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1898.

AN ACT TO AUTHORIZE THE MUSEUM OF FINE ARTS TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap.113

Be it enacted, etc., as follows:

SECTION 1. In addition to the land now held by the Museum of Fine Arts and the buildings erected or which may be erected thereon and the works of art contained therein, said corporation may receive by gift, devise, bequest or otherwise, and may hold and use for the purposes for which it was incorporated, real and personal estate to an amount not exceeding five million dollars.

May hold additional real and personal estate.

SECTION 2. Section two of chapter one hundred and ninety-two of the acts of the year eighteen hundred and ninety-four is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 2, 1898.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE AMHERST AND SUNDERLAND STREET RAILWAY COMPANY MAY CONSTRUCT ITS ROAD.

Chap.114

Be it enacted, etc., as follows:

Section eight of chapter one hundred and eleven of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out in the fourth line, the word "two", and inserting in place thereof the word:—four,—so as to read as follows:—*Section 8.* The provisions of this act shall become void so far as relates to the right of said company in any town where no portion of the proposed road has been built and put in operation at the end of four years from the passage of this act.

1896, 111, § 8, amended.

To become void under certain conditions.

Approved March 2, 1898.

AN ACT TO CHANGE THE NAME OF THE TRUSTEES OF THE WASHINGTON STREET METHODIST EPISCOPAL CHURCH OF BROOKLINE.

Chap.115

Be it enacted, etc., as follows:

SECTION 1. The name of The Trustees of the Washington Street Methodist Episcopal Church of Brookline

Name changed.

is hereby changed to The Trustees of Saint Mark's Methodist Episcopal Church of Brookline.

Gifts, bequests,
etc.

SECTION 2. All gifts, grants, bequests and devises heretofore or hereafter made to said corporation under either of said names shall vest in The Trustees of Saint Mark's Methodist Episcopal Church of Brookline.

SECTION 3. This act shall take effect upon its passage.

Approved March 2, 1898.

Chap. 116 AN ACT TO AUTHORIZE THE SALEM LYCEUM TO TRANSFER ITS FUNDS TO THE ESSEX INSTITUTE OF SALEM.

Be it enacted, etc., as follows:

Salem Lyceum
dissolved, funds
to be transferred
to Essex Insti-
tute, etc.

The corporation organized under the authority of chapter one hundred and twenty of the acts of the year eighteen hundred and fifty-two, and known as the Salem Lyceum, is hereby dissolved, and the trustees thereof are hereby authorized and directed to transfer all moneys now in their hands and belonging to the said Salem Lyceum to the Essex Institute, a corporation duly established at said Salem, to be by the said Essex Institute safely invested, and to be known as the Salem Lyceum Fund, the income thereof to be expended each year in maintaining a course of lectures, which lectures shall be announced by said Essex Institute as being maintained by said Salem Lyceum Fund.

Approved March 2, 1898.

Chap. 117 AN ACT TO PROVIDE CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF WORCESTER.

Be it enacted, etc., as follows:

Clerical assist-
ance.

SECTION 1. The register of probate and insolvency for the county of Worcester shall be allowed for clerical assistance, in addition to the amount now allowed by law, a sum not exceeding one thousand dollars a year, from and after the first day of January in the year eighteen hundred and ninety-eight, to be paid from the treasury of the Commonwealth to persons who actually perform the work, upon the certificate of said register, countersigned by the judge of probate and insolvency for said county, that the work has been actually performed by such persons.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1898.

AN ACT TO LEGALIZE THE PROCEEDINGS OF THE ANNUAL MEETING OF THE PROPRIETORS OF THE DUKES COUNTY ACADEMY. *Chap.118*

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the annual meeting of the Proprietors of the Dukes County Academy, held on the twentieth day of December in the year eighteen hundred and ninety-seven, shall not be invalid by reason of the fact that such meeting was not held on the last Monday in November and notified seven days previous thereto.

Proceedings of meeting of Proprietors of the Dukes County Academy legalized.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1898.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES. *Chap.119*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

Appropriations.

STATE BOARD OF LUNACY AND CHARITY.

For expenses of the state board of lunacy and charity, including travelling and other necessary expenses of members, and salary and expenses of the clerk and auditor of said board, a sum not exceeding five thousand dollars.

Board of lunacy and charity.

For salaries and expenses in the department of the indoor poor, a sum not exceeding forty thousand dollars.

Indoor poor.

For salaries and expenses in the department of the outdoor poor, a sum not exceeding twenty-seven thousand dollars.

Outdoor poor.

For salaries and expenses in the department of the inspector of institutions, a sum not exceeding eleven thousand dollars.

Inspector of institutions.

For travelling and other necessary expenses of the auxiliary visitors of the state board of lunacy and charity, a sum not exceeding fourteen hundred dollars.

Auxiliary visitors.

MISCELLANEOUS CHARITABLE.

Transportation
of state paupers.

For transportation of state paupers, a sum not exceeding eighteen thousand dollars.

State lunatic
paupers.

For the support and relief of state paupers in state lunatic hospitals and asylums of the Commonwealth, and of state lunatic paupers boarded out in families, for the present and previous years, a sum not exceeding two hundred thousand dollars.

Maintenance of
insane paupers
by certain
towns.

The reimbursement of expenses incurred by certain towns in the maintenance of the insane, as provided for by chapter two hundred and forty-three of the acts of the year eighteen hundred and ninety-two, shall be paid from the appropriation for the support of state lunatic paupers, and any unpaid bills of previous years may be paid from the appropriation of the present year.

Indigent and
neglected chil-
dren, etc.

For the care and maintenance of indigent and neglected children and juvenile offenders, to include expenses in connection with the same, a sum not exceeding one hundred thousand dollars.

Support of cer-
tain state
paupers.

For the support of state paupers in the Massachusetts School for the Feeble-minded, and the Hospital Cottages for Children, a sum not exceeding ten thousand dollars.

Dangerous
diseases.

For expenses in connection with smallpox and other diseases dangerous to the public health, for the present and previous years, a sum not exceeding three thousand dollars.

Education of
certain children.

For the education and instruction in the public schools in any city or town in the Commonwealth of children boarded or bound out by the state board of lunacy and charity, for the present and previous years, a sum not exceeding eight thousand dollars.

Sick state
paupers.

For the support of sick state paupers by cities and towns, for the present and previous years, the same to include cases of wife settlement, a sum not exceeding one hundred and twenty-five thousand dollars.

Burial of state
paupers.

For the burial of state paupers by cities and towns, for the present and previous years, a sum not exceeding ten thousand dollars.

Temporary aid.

For temporary aid for state paupers and shipwrecked seamen by cities and towns, for the present and previous years, a sum not exceeding forty thousand dollars.

Unsettled
pauper infants.

For the support and transportation of unsettled pauper infants in this Commonwealth, including infants in

infant asylums, a sum not exceeding thirty-two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1898.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE FARM. Chap.120

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are ap- Appropriations. propriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —

For the payment of salaries, wages and labor at the State farm. state farm, a sum not exceeding forty thousand dollars.

For current expenses at the state farm, a sum not ex- Expenses. ceeding ninety-seven thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1898.

AN ACT TO REGULATE THE USE OF BICYCLES AND SIMILAR VEHICLES. Chap.121

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter four hundred and seventy-nine of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out the words “or park”, in the third and ninth lines, respectively, and inserting in each instance in place thereof, the words : — park, or land or driveway appurtenant to any public reservoir, — by inserting in the sixth line, after the word “city”, the words : — or lands or driveways appurtenant to any public reservoir, — and by striking out in the sixth and eighth lines, respectively, the words “the same”, and inserting in each instance in place thereof, the words : — such machine, — so as to read as follows : — *Section 1.* Whoever, without the permit provided for in section three of this act, rides in a public highway or town way, street, square, park, or land or driveway appurtenant to any public reservoir, a bicycle or tricycle at a rate of speed exceeding ten miles an hour, or rides such machine on a sidewalk, or rides such machine in the streets, squares or parks of any city, or lands or driveways appurtenant

1894, 479, § 1,
amended.

Use of bicycles,
etc., regulated.

to any public reservoir, when such machine is not provided with a suitable alarm bell adapted for use by the rider, or after sunset rides such machine in any public way, square, park, or land or driveway appurtenant to any public reservoir, whether within or without the limits of a city, when such machine is not provided with such suitable alarm bell, shall be punished by fine not exceeding twenty dollars for each offence, and shall be further liable for all damages occasioned to any person by such unlawful act.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1898.

Chap. 122 AN ACT RELATIVE TO THE CONSTRUCTION OF A BRIDGE ACROSS
THE CONNECTICUT RIVER AT NORTHFIELD.

Be it enacted, etc., as follows:

County commis-
sioners to
receive pay for
certain services,
etc.

SECTION 1. The county commissioners of the county of Franklin shall severally receive such pay for their services and expenses in supervising the construction of the bridge across the Connecticut river at Northfield, authorized by chapter four hundred and ninety-seven of the acts and resolves of the year eighteen hundred and ninety-seven, as shall be approved by a justice of the superior court. The amount so allowed shall be regarded as a part of the cost of such bridge, and shall be included in the sum to be apportioned upon the towns specially benefited and the county, in the manner provided in said chapter.

May borrow
money for sur-
veys and plans,
etc.

SECTION 2. The county commissioners of the county of Franklin are authorized to expend a sum not exceeding one thousand dollars for surveys and plans, which sum shall be included in the cost of the bridge authorized to be built across the Connecticut river at Northfield. In case such bridge shall not be constructed such sum may be included in the county tax for the year eighteen hundred and ninety-nine. Said county commissioners are authorized to borrow on the credit of said county not exceeding one thousand dollars for such purpose, for a period not exceeding two years.

SECTION 3. This act shall take effect upon its passage.

Approved March 3, 1898.

AN ACT RELATIVE TO THE ELECTRIC LOAN OF THE TOWN OF DANVERS. *Chap.123*

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter three hundred and seventy-eight of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 8.* Said town of Danvers may for the purposes of this act incur a debt not to exceed five per cent. of the total valuation of the estates in said town, including the sum already expended by said town for its existing electric light plant, and may from time to time issue bonds, notes or scrip not exceeding such sum. Such bonds, notes or scrip shall bear on their face the words, Danvers Electric Loan, shall be payable at the expiration of periods not exceeding thirty years from date of issue, shall bear interest, payable semi-annually, at a rate not exceeding five per cent. per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town; and the indebtedness thereby created shall not be included in determining the debt limit of said town. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold or pledged for less than the par value thereof and accrued interest.

1891, 378, § 8,
amended.

Danvers
Electric Loan.

Securities may
be sold or
pledged.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1898.

AN ACT TO MORE EFFECTUALLY PREVENT THE UNLAWFUL USE OF FERRETS FOR HUNTING PURPOSES. *Chap.124*

Be it enacted, etc., as follows:

The possession of a ferret in any place where the game mentioned in section six of chapter two hundred and seventy-six of the acts of the year eighteen hundred and eighty-six, as amended by chapter two hundred and fifty-four of the acts of the year eighteen hundred and ninety-one, might be taken or killed, shall be presumptive evidence that the person having such ferret in possession has used the same for taking and killing game in violation of said section. *Approved March 3, 1898.*

Ferrets not to
be used for
hunting pur-
poses in certain
cases.

Chap.125 AN ACT RELATIVE TO THE USE OF PUBLIC BATHS, WASH HOUSES,
AND OPEN BATHING PLACES IN TOWNS, AND TO PROVIDE FOR IN-
STRUCTION IN THE ART OF SWIMMING.

Be it enacted, etc., as follows:

Non-residents
may use public
baths, etc.,
under certain
conditions.

SECTION 1. Any town which has lawfully established or may hereafter lawfully establish public baths, wash houses or open bathing places, may authorize its officers having charge thereof to permit persons not residents of said town to use said baths, wash houses and open bathing places, under such rules and regulations and upon payment of such rates as may seem expedient to such officers; but such rules and regulations and rates of payment shall be subject to alteration at any time, and such town may at any time revoke such authority.

Instruction may
be given in the
art of swim-
ming.

SECTION 2. Any town which has lawfully established or may hereafter lawfully establish public baths or open bathing places, may provide for giving instruction in the art of swimming in such public baths or open bathing places, under such rules and regulations as to rates and otherwise as may from time to time be made by the officers having charge thereof, and any such town may appropriate money for giving such instruction.

SECTION 3. This act shall take effect upon its passage.

Approved March 3, 1898.

Chap.126 AN ACT TO AUTHORIZE THE TOWN OF SOUTH HADLEY TO REFUND
A PORTION OF ITS DEBT.

Be it enacted, etc., as follows:

May issue
bonds, notes or
scrip, etc.

SECTION 1. The town of South Hadley is hereby authorized to issue from time to time bonds, notes or scrip to an amount not exceeding twenty-one thousand dollars, for the purpose of refunding a portion of its note indebtedness at present existing, as it becomes due. The bonds, notes or scrip issued under the provisions of this act shall bear interest, payable semi-annually, at a rate not exceeding five per cent. per annum. They shall be signed by the treasurer and countersigned by the selectmen of the town, and may be sold or negotiated at public or private sale, and the proceeds shall be used to discharge an equal amount of the existing note indebtedness of said town. The provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and in ad-

P. S. 29, etc.,
to apply.

dition thereto shall, except as herein otherwise provided, apply to the indebtedness authorized by this act and to the securities issued therefor.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1898.

AN ACT RELATIVE TO THE INDEBTEDNESS INCURRED BY THE TOWN OF NORWOOD FOR PARK PURPOSES.

Chap.127

Be it enacted, etc., as follows:

SECTION 1. The town of Norwood, for the purpose of meeting the expense of the establishment of a public park or parks in said town, and the purchase or taking of land therefor, may incur indebtedness, and may issue negotiable notes, bonds or scrip therefor, payable within such period or periods as said town may by vote determine, not exceeding thirty years from the date of issue.

May issue bonds, notes or scrip, etc.

SECTION 2. Said town may provide for the payment of such indebtedness in annual proportionate payments, as prescribed by chapter one hundred and thirty-three of the acts of the year eighteen hundred and eighty-two, or by establishing a sinking fund, as required by chapter twenty-nine of the Public Statutes. If said town shall establish such sinking fund the trustees of the sinking fund established for the payment of the Norwood water loan shall also act as trustees of the sinking fund established for the payment of the indebtedness contracted under the authority of this act.

Payment of indebtedness.

SECTION 3. This act shall take effect upon its passage.

Approved March 3, 1898.

AN ACT TO AUTHORIZE THE QUINCY MARKET COLD STORAGE COMPANY TO INCREASE ITS CAPITAL STOCK AND TO RATIFY AND CONFIRM ITS FRANCHISES AND LOCATIONS IN THE CITY OF BOSTON.

Chap.128

Be it enacted, etc., as follows:

SECTION 1. The Quincy Market Cold Storage Company, a corporation organized under chapter one hundred and six of the Public Statutes and having a paid-up capital stock of eight hundred thousand dollars, is hereby authorized to increase its capital stock in the manner which is now or may hereafter be provided by law for the increase of the capital stock of manufacturing corporations, at such times and in such amounts as it may

May increase capital stock, etc.

Proviso.

from time to time determine, for the purpose of paying debts incurred in construction and in the enlarging, adding to and extending of its plants and street pipes: *provided*, that the whole amount of its capital stock shall not exceed one million five hundred thousand dollars.

Certain acts,
etc., ratified and
confirmed.

SECTION 2. The franchises or licenses heretofore granted and the locations given to said company by the board of aldermen of the city of Boston for laying pipes and conduits in and under certain streets in said city for purposes of refrigeration and cooling, and the acts done thereunder, are hereby ratified and confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved March 3, 1898.

Chap.129 AN ACT TO EXTEND THE TIME WITHIN WHICH THE FALL RIVER AND PROVIDENCE STREET RAILWAY COMPANY MAY CONSTRUCT AND OPERATE ITS ROAD.

Be it enacted, etc., as follows:

Time extended.

SECTION 1. The time within which the Fall River and Providence Street Railway Company is authorized by chapter three hundred and forty-nine of the acts of the year eighteen hundred and ninety-five to construct and operate its railway is hereby extended to the first day of October in the year eighteen hundred and ninety-nine.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1898.

Chap.130 AN ACT TO INCORPORATE THE FITCHBURG HELPING HAND ASSOCIATION.

Be it enacted, etc., as follows:

Fitchburg Helping
Hand Association incor-
porated.

SECTION 1. Anna M. Bailey, Martha B. Bennett, Harriet E. Conn, Cora H. Coolidge, Fannie B. Davis, Lucy Fay, Jennie L. Fiske, Mary L. Garfield, Myrtie L. Gove, Jennie M. Hills, Mary E. Holgate, Alice Miller, Bessie L. Newcomb, Martha M. Simonds, Josie Watson, Helen A. Wallace, Martha L. Weyman and Emma J. Weymouth, all of Fitchburg, and their successors, are hereby made a corporation by the name of the Fitchburg Helping Hand Association, for the purpose of providing a home or homes for young women.

May hold real
and personal
estate.

SECTION 2. Said corporation shall have authority for the purpose aforesaid, and no other, to hold real and personal estate to the amount of seventy-five thousand dollars.

SECTION 3. The said corporators, together with George H. Hastings, of said Fitchburg, the founder of said association, who shall serve for the term of his life, shall constitute a board of trustees, whose terms of office, except as above stated, shall be as hereinafter specified. The trustees shall, immediately upon the passage of this act, meet and organize by the election of a president, treasurer and clerk, and shall elect six of their number, who shall serve as trustees until the third Monday of September in the year eighteen hundred and ninety-eight, and six who shall serve until the third Monday of September in the year eighteen hundred and ninety-nine, and the remaining six shall be elected to serve until the third Monday of September in the year nineteen hundred. The trustees so elected shall severally hold office for the terms for which they are elected and until their successors are chosen, and thereafter each class in succession shall hold office for the period of three years. Seven members shall constitute a quorum, except for the election and removal of trustees, when ten members shall be required. Whenever a vacancy shall occur in the board of trustees by reason of the death, resignation or otherwise, of the members so elected, the remaining trustees shall fill the vacancy for the unexpired term. The annual meeting shall be held at such date and place in January of each year as the trustees shall determine.

Trustees, election, terms, etc.

Quorum.

Vacancy.

Annual meeting.

SECTION 4. The said trustees shall annually elect a president, treasurer and clerk, and shall have full power to appoint or elect such other officers as they shall from time to time think necessary or expedient, and determine their terms of office, and to remove any elective trustee who shall become incapacitated through age, infirmity or any other cause for the discharge of her duties as said trustee, or who by unreasonable absence from the meetings of the board shall fail to perform the duties of her office, and generally to do all acts and things necessary or expedient to be done for the purpose of carrying into full effect the provisions and purposes of this act.

Election of officers, etc.

Approved March 3, 1898.

AN ACT RELATIVE TO THE AUTHORITY OF JUDGES OF PROBATE AND INSOLVENCY.

Chap. 131

Be it enacted, etc., as follows:

SECTION 1. Judges of probate and insolvency may, in all cases in which a decree, order or allowance can be

May make decrees, etc., in certain cases

at any place in
the Common-
wealth, etc.

made without a hearing, and in all cases where a hearing has been had, make such decree, order or allowance and approve any and all bonds at any place in the Commonwealth, with the same effect as if so signed and approved in their respective counties; and whenever a judge of probate and insolvency shall, under the provisions of chapter three hundred and seventy-seven of the acts of the year eighteen hundred and ninety-four, act in a county other than his own, all such decrees, orders or allowances may be signed, and all bonds presented for approval may be approved, outside of the county in which he may have been designated to act. But this act shall not affect the validity of any decree, order or allowance signed or bond approved prior to its passage.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1898.

Chap. 132 AN ACT RELATIVE TO THE FILLING OF VACANCIES IN THE BOARD OF ALDERMEN OF THE CITY OF CHICOPEE.

Be it enacted, etc., as follows:

1897, 239, § 7,
amended.

Section seven of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and ninety-seven is hereby amended by striking out in the fourteenth to the twentieth lines, the words "If the full number of members of the board of aldermen has not been elected, or if a vacancy in the office of alderman shall occur more than six months previous to the expiration of the municipal year, the board of aldermen may forthwith elect some person or persons to fill the vacancy or vacancies until the next municipal election", and inserting in place thereof the following:—If the full number of members of the board of aldermen has not been elected the board of aldermen shall forthwith call a meeting or meetings, as the case may be, for a new election to fill any vacancy or vacancies which may exist by reason of a failure to elect, and the same proceedings shall be had in all respects as are provided for the annual municipal election, and shall be repeated until such vacancy or vacancies are filled. If a vacancy in the office of alderman shall occur, from any other cause than a failure to elect, more than six months previous to the expiration of the municipal year, the board of aldermen may forthwith elect some person or persons to fill the vacancy or vacancies until the next

municipal election, and at said next municipal election the further vacancy, if any, shall be filled for the remainder of the unexpired term, in the same manner as the member whose office is vacant was elected, — so as to read as follows : — *Section 7.* If it shall appear that there is no choice of a mayor, or if the person elected mayor shall refuse to accept the office, or shall die before qualifying, or if a vacancy in said office shall occur more than three months previous to the expiration of the municipal year, the board of aldermen shall forthwith call meetings for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of a mayor, and shall be repeated until the election of a mayor is completed. In case a vacancy in the office of mayor shall occur within the three months previous to the expiration of the municipal year the board of aldermen may, in its discretion, call meetings for the holding of a new election as aforesaid to fill the vacancy. If the full number of members of the board of aldermen has not been elected the board of aldermen shall forthwith call a meeting or meetings, as the case may be, for a new election to fill any vacancy or vacancies which may exist by reason of a failure to elect, and the same proceedings shall be had in all respects as are provided for the annual municipal election, and shall be repeated until such vacancy or vacancies are filled. If a vacancy in the office of alderman shall occur, from any other cause than a failure to elect, more than six months previous to the expiration of the municipal year, the board of aldermen may forthwith elect some person or persons to fill the vacancy or vacancies until the next municipal election, and at said next municipal election the further vacancy, if any, shall be filled for the remainder of the unexpired term, in the same manner as the member whose office is vacant was elected. In case of a vacancy in the office of city clerk or city treasurer the board of aldermen shall elect a city clerk or city treasurer to fill such vacancy until the next municipal year ; and in case of the temporary absence or disability of the city clerk or of the city treasurer the board of aldermen shall elect a city clerk or city treasurer pro tempore. In each of such cases the city clerk or city treasurer shall be sworn and shall perform the duties of the office to which he is elected.

Vacancies in
city offices in
Chicopee.

Approved March 3, 1898.

Chap.133 AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO REFUND CERTAIN SUMS OF MONEY PAID ON ACCOUNT OF PARK BETTERMENTS.

Be it enacted, etc., as follows :

May refund
certain sums of
money.

SECTION 1. The city of Cambridge may refund to the parties who without protest, prior to the passage of this act, have overpaid to the city certain park assessments, by reason of discounts subsequently allowed on the same, such sums of money as the city council shall by vote determine and the mayor shall approve, to the amount of the discount allowed in each case.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1898.

Chap.134 AN ACT TO REQUIRE THE DESCRIPTION AND PLAN OF LANDS PURCHASED OR TAKEN FOR PUBLIC SEWER, STREET AND HIGHWAY PURPOSES, TO BE FILED IN THE REGISTRY OF DEEDS.

Be it enacted, etc., as follows :

Description and
plan of certain
lands to be filed.

SECTION 1. Hereafter in all cases in which lands are purchased or taken for public sewer, street or highway purposes, the city, town or other authority, within sixty days after the passage of its order or vote so to purchase or take, shall cause the description and plan of the lands purchased or taken to be filed in the registry of deeds for the county and district in which the lands are situated.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1898.

Chap.135 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE INSURANCE COMMISSIONER.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —

Insurance com-
missioner.

For the salary of the insurance commissioner, thirty-five hundred dollars.

Deputy.

For the salary of the deputy insurance commissioner, twenty-five hundred dollars.

For the salary of the actuary of the insurance commissioner, two thousand dollars. Actuary.

For the salary of the examiner in the insurance department, two thousand dollars. Examiner.

For the salary of the chief clerk of the insurance commissioner, two thousand dollars. Chief clerk.

For the salary of the second clerk of the insurance commissioner, fifteen hundred dollars. Second clerk.

For the salary of the third clerk of the insurance commissioner, twelve hundred dollars. Third clerk.

For such additional clerks and assistants as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding twenty-one thousand three hundred and eighty dollars. Additional clerks, etc.

For incidental and contingent expenses of the insurance commissioner, a sum not exceeding three thousand dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1898.

AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH ENFORCING THE LAW TO REGULATE THE PRACTICE OF PHARMACY.

Chap. 136

Be it enacted, etc., as follows:

SECTION 1. The sum of sixty-five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of meeting expenses in connection with the enforcement of the law to regulate the practice of pharmacy, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight. Enforcing law to regulate practice of pharmacy.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1898.

AN ACT TO AUTHORIZE THE HOMŒOPATHIC MEDICAL DISPENSARY TO TRANSFER ITS FUNDS AND PROPERTY TO THE MASSACHUSETTS HOMŒOPATHIC HOSPITAL.

Chap. 137

Be it enacted, etc., as follows:

SECTION 1. The Homœopathic Medical Dispensary, incorporated by chapter one hundred and ninety-one of the acts of the year eighteen hundred and fifty-six, and the trustees thereof, are hereby authorized to transfer, assign, set over and convey all the funds and property now or hereafter held by it or them for the charitable May transfer funds and property to Massachusetts Homœopathic Hospital.

purposes of said dispensary, to the Massachusetts Homœopathic Hospital, incorporated by chapter four hundred and eleven of the acts of the year eighteen hundred and fifty-five, and said Massachusetts Homœopathic Hospital is hereby authorized to receive and accept the same, and to hold, manage, use and dispose of the same as the trustees of the said hospital may from time to time deem best for the fulfilment of the charitable purposes of a dispensary.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1898.

Chap.138 AN ACT RELATIVE TO THE APPOINTMENT OF TESTAMENTARY GUARDIANS.

Be it enacted, etc., as follows :

P. S. 139, § 5,
amended.

Appointment
of testamentary
guardians.

Section five of chapter one hundred and thirty-nine of the Public Statutes is hereby amended by inserting after the word “appoint”, in the second line, the words : — subject to the approval of the probate court, — so as to read as follows : — *Section 5.* A father, or, in case the father has died without exercising the power, a mother, may by his or her last will in writing appoint, subject to the approval of the probate court, guardians for his or her children, whether born at the time of making the will or afterwards, to continue during the minority of the child or for a less time. Such testamentary guardians shall have the same powers and perform the same duties, with regard to the person and estate of the ward, as guardians appointed by the probate court.

Approved March 3, 1898.

Chap.139 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —

State industrial
school for girls.

For the payment of salaries, wages and labor at the state industrial school for girls, a sum not exceeding thirteen thousand four hundred dollars.

For current expenses at the state industrial school for girls, a sum not exceeding nineteen thousand one hundred and twenty-five dollars. Expenses.

For expenses in connection with boarding out younger girls from the state industrial school, a sum not exceeding twenty-five hundred dollars. Boarding out
younger girls.

For the education and instruction in the public schools in any city or town in the Commonwealth of children boarded or bound out by the trustees of the Lyman and industrial schools, a sum not exceeding one hundred and twenty-five dollars. Education of
children
boarded out,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1898.

AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO INCUR INDEBTEDNESS FOR PARK PURPOSES, BEYOND THE LIMIT FIXED BY LAW.

Chap. 140

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford, for the purpose of paying for lands heretofore acquired or which may hereafter be acquired by it for public parks or for the extension of existing parks, and for defraying the cost and expenses of constructing said parks or extensions, may from time to time incur indebtedness, in addition to the amount already authorized by law, to an amount not exceeding one hundred thousand dollars beyond the limit of indebtedness fixed by law for said city; and for said purposes may issue from time to time bonds, notes or scrip, not exceeding in the aggregate said amount. Such bonds, notes and scrip shall bear on their face the words, New Bedford Park Loan, shall be payable at the expiration of periods not exceeding fifty years from the date of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent. per annum, and shall be signed by the mayor and treasurer of said city. Said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper.

New Bedford
Park Loan.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1898.

Chap.141 AN ACT TO AUTHORIZE THE SALE OF CERTAIN LAND TAKEN FOR
PUBLIC PARK PURPOSES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

May sell a cer-
tain parcel of
land, etc.

SECTION 1. The board of park commissioners of the city of Boston is hereby authorized, with the approval of the mayor of said city, to sell a parcel of land containing nine hundred twenty-one and eight tenths square feet, situated on the northwesterly side of the Back Bay Fens, at the junction of Audubon road and Peterborough street, in said city, and to apply the proceeds of the sale to the payment of other lands taken by said city for park purposes.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1898.

Chap.142 AN ACT RELATIVE TO GROUNDS FOR THE PARADE, DRILL AND
TARGET PRACTICE OF THE MILITIA OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Land for certain
purposes not to
be acquired
prior to June 1,
1899.

SECTION 1. No land shall be acquired by the city of Boston for a ground or place for the parade, drill and target practice of the militia of said city under the provisions of section ninety of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three, prior to the first day of June in the year eighteen hundred and ninety-nine.

Certain money
not to be di-
vided, etc.,
prior to June 1,
1899.

SECTION 2. Any amount of money heretofore voted and appropriated by the city of Boston in compliance with the provisions of section ninety of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three for the purpose of acquiring land by said city for a ground or place for the parade, drill and target practice of the militia of said city, shall not be divided, used or applied for any other purpose prior to the first day of June in the year eighteen hundred and ninety-nine.

SECTION 3. This act shall take effect upon its passage.

Approved March 8, 1898.

Chap.143 AN ACT TO AUTHORIZE THE TOWN OF HUDSON TO FURNISH GAS
AND ELECTRICITY FOR LIGHT, HEAT AND POWER TO THE TOWN
OF STOW AND ITS INHABITANTS.

Be it enacted, etc., as follows:

May establish,
etc., a plant for
the distribution

SECTION 1. The town of Hudson may construct, establish and maintain in the town of Stow, a plant for the

distribution of gas and electricity, to be manufactured at its central station in said Hudson, for the purpose of furnishing light, heat and power to the town of Stow for municipal use, and for the use of such of the inhabitants of the town of Stow as may require and pay for the same: *provided, however*, that the town of Hudson shall not extend its plant in the town of Stow until the inhabitants of each of said towns shall vote to accept the provisions of this act by a majority vote of its voters present and voting at a legal town meeting duly called for the purpose.

of gas, etc., in the town of Stow.

Proviso.

SECTION 2. The town of Hudson, before constructing any part of its plant in the town of Stow, shall obtain from the board of selectmen of the town of Stow a written location therefor, in accordance with existing laws governing a private person, firm or corporation engaged in the business of selling light, heat or power, and shall thereafter have and enjoy the same rights and franchises respecting such sale and distribution of light, heat and power, and the extension of its plant therefor, as a private person, firm or corporation would have, and be subject to the same limitations and obligations in the exercise of such rights and franchises. The town of Stow shall, if it establishes a gas or electric light plant of its own under the provisions of chapter three hundred and seventy of the acts of the year eighteen hundred and ninety-one, be held to purchase, and shall purchase, the plant and property of the town of Hudson established within the limits of the town of Stow, in accordance with the provisions of sections twelve, thirteen and fourteen of said chapter three hundred and seventy and any amendments thereof, and of any general laws hereafter enacted relating to the purchase of electric light plants by a municipality, in like manner as if the same were the plant of a private person, firm or corporation: *provided, further*, that in such case the town of Hudson shall have no right to refuse to sell the same when requested by the town of Stow, but shall within thirty days after a demand therefor, filed with its clerk by the town of Stow, file with the clerk of the latter town a schedule of said property and plant located within the limits of the town of Stow, and thereafter the town of Hudson shall sell, and the town of Stow shall buy the same in accordance with the provisions of sections twelve, thirteen and fourteen

To obtain written location, etc.

Town of Stow to purchase plant, etc., under certain conditions.

Proviso.

of said chapter three hundred and seventy and any amendments thereof, and of any general laws hereafter enacted relating to the purchase of electric light plants by a municipality, and after such purchase the right of the town of Hudson to distribute and sell gas or electricity within the limits of the town of Stow shall cease.

Light, heat and power to be furnished, prices and terms.

SECTION 3. The town of Hudson shall furnish to the town of Stow for municipal use, and to the inhabitants thereof, light, heat and power, at such prices and upon such terms as may be agreed upon from time to time by the respective parties, subject however in case of disagreement as to such prices and terms, to a right of appeal to the board of gas and electric light commissioners.

Approved March 8, 1898.

Chap.144 AN ACT TO EXTEND THE TIME FOR THE ORGANIZATION OF THE WESTERN HAMPSHIRE STREET RAILWAY COMPANY.

Be it enacted, etc., as follows :

Time extended.

SECTION 1. The Western Hampshire Street Railway Company, incorporated by chapter three hundred and twenty-eight of the acts of the year eighteen hundred and ninety-five, may organize at any time before the first day of January in the year eighteen hundred and ninety-nine.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1898.

Chap.145 AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF A TEXTILE SCHOOL IN THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows :

Textile school in the city of New Bedford.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the establishment of a textile school in the city of New Bedford, as provided for by chapter four hundred and seventy-five of the acts of the year eighteen hundred and ninety-five, said city having complied with the provisions of said act.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1898.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN OFFICER OF
THE PROBATE COURT AND COURT OF INSOLVENCY FOR THE COUNTY
OF SUFFOLK.

Chap.146

Be it enacted, etc., as follows :

SECTION 1. The judges of the probate court and court of insolvency for the county of Suffolk shall appoint an officer to attend upon the sessions of said court.

Officer to be appointed.

SECTION 2. Such officer shall have authority to serve such orders, precepts and processes issuing from said court or from any judge thereof as may be committed to him by said court.

To serve orders, precepts, etc.

SECTION 3. Such officer shall be paid the same compensation and in the same manner as is now provided by law for the constable attending upon the sessions of said court.

Compensation.

SECTION 4. The officer so appointed shall give to the treasurer of the county of Suffolk a bond for the faithful performance of his duties, in the sum of one thousand dollars, with sufficient sureties to be approved by the first judge of said court.

To give bond.

SECTION 5. The judges of said court may at any time remove said officer for cause deemed by them sufficient, and shall fill any vacancy caused by such removal or otherwise.

Removal, etc.

SECTION 6. Chapter one hundred and forty of the acts of the year eighteen hundred and eighty-four and all acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 7. This act shall take effect on the first day of May in the year eighteen hundred and ninety-eight.

To take effect May 1, 1898.

Approved March 8, 1898.

AN ACT RELATIVE TO CERTAIN GRADE CROSSINGS IN THE CITY OF
WORCESTER.

Chap.147

Be it enacted, etc., as follows :

SECTION 1. Chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety and acts in amendment thereof shall not, for the period of two years from and after the seventh day of April in the year eighteen hundred and ninety-eight, apply to any of the grade crossings in the city of Worcester between and including the grade crossing at Garden street and the Union station in said city, and between said Union station and Worcester Junction, so-called.

Certain provisions of law not to apply for two years from April 7, 1898.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1898.

Chap.148

AN ACT RELATIVE TO SAVINGS BANKS.

Be it enacted, etc., as follows :

Savings banks,
etc., may hold
certain securi-
ties for five
years.

Provisos.

SECTION 1. Savings banks and institutions for savings may hold stocks, bonds or other securities acquired in settlements effected to secure loans or indebtedness, but all such stocks, bonds or other securities shall be sold within five years after the same have been acquired by the corporation: *provided, however,* that any such corporation now holding any securities acquired as aforesaid shall not be required to sell the same before the first day of February in the year nineteen hundred and three; and *provided, further,* that the board of commissioners of savings banks may, upon the petition of the board of investment of any such corporation and for good cause shown, grant an additional time for the sale of the same.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1898.

Chap.149 AN ACT TO AUTHORIZE THE TREASURER OF THE CITY OF BOSTON
TO ISSUE BONDS FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows :

May issue bonds
for school pur-
poses, etc.

SECTION 1. The treasurer of the city of Boston, to pay the expenses of building and furnishing high and Latin schools in said city and of taking land therefor, shall from time to time, on the request of the school committee of said city, issue and sell negotiable bonds of said city to an amount not exceeding three hundred thousand dollars in the year eighteen hundred and ninety-nine, three hundred thousand dollars in the year nineteen hundred, and two hundred and fifty thousand dollars in the year nineteen hundred and one, which shall all be within the debt limit and in addition to the bonds heretofore authorized to be issued for similar purposes. The proceeds of said bonds shall be expended in accordance with the provisions of chapter four hundred and eight of the acts of the year eighteen hundred and ninety-five, but the said school committee may during any year make contracts for the payment of the whole or any part of the amounts to be issued under this act in a subsequent year.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1898.

AN ACT RELATIVE TO THE MANUFACTURE AND SALE OF CLOTHING
MADE IN UNHEALTHY PLACES.

*Chap.*150

Be it enacted, etc., as follows:

SECTION 1. Section forty-four of chapter five hundred and eight of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 44.* No room or apartment in any tenement or dwelling house shall be used for the purpose of making, altering, repairing or finishing therein any coats, vests, trousers or wearing apparel of any description whatsoever, except by the members of the family dwelling therein, and any family desiring to do the work of making, altering, repairing or finishing any coats, vests, trousers or wearing apparel of any description whatsoever in any room or apartment in any tenement or dwelling house shall first procure a license, approved by the chief of the district police, to do such work as aforesaid. A license may be applied for by and issued to any one member of any family desiring to do such work. No person, partnership or corporation, shall hire, employ or contract with any member of a family not holding a license therefor, to make, alter, repair or finish any garments or articles of wearing apparel as aforesaid, in any room or apartment in any tenement or dwelling house as aforesaid. Every room or apartment in which any garments or articles of wearing apparel are made, altered, repaired or finished, shall be kept in a cleanly condition and shall be subject to the inspection and examination of the inspectors of the district police, for the purpose of ascertaining whether said garments or articles of wearing apparel or any part or parts thereof are clean and free from vermin and every matter of an infectious or contagious nature. A room or apartment in any tenement or dwelling house which is not used for living or sleeping purposes, and which is not connected with any room or apartment used for living or sleeping purposes, and which has a separate and distinct entrance from the outside, shall not be subject to the provisions of this act. Nor shall anything in this act be so construed as to prevent the employment of a tailor or seamstress by any person or family for the making of wearing apparel for such person's or family's use.

1894, 508, § 44,
amended.

Rooms, etc., to
be used only
by the family
dwelling therein
for making, etc.,
clothing.

Family to be
licensed, etc.

Rooms, etc., to
be kept in a
cleanly condi-
tion and be sub-
ject to inspec-
tion.

Certain rooms,
etc., not subject
to provisions.

1894, 508, § 45,
amended.

Inspector to
report evidence
of infectious
disease, etc.

SECTION 2. Section forty-five of said chapter is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 45.* If said inspector finds evidence of infectious disease present in any workshop or in any room or apartment in any tenement or dwelling house in which any garments or articles of wearing apparel are made, altered or repaired, or in goods manufactured or in the process of manufacture therein, he shall report the same to the chief of the district police, who shall then notify the local board of health to examine said workshop or any room or apartment in any tenement or dwelling house in which any garments or articles of wearing apparel are made, altered or repaired, and the materials used therein; and if said board shall find said workshop or tenement or dwelling house in an unhealthy condition, or the clothing and materials used therein unfit for use, said board shall issue such order or orders as the public safety may require.

1894, 508, § 47,
amended.

Tag or label
to be affixed to
certain tene-
ment made gar-
ments.

SECTION 3. Section forty-seven of said chapter is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 47.* Whoever sells or exposes for sale any coats, vests, trousers or any wearing apparel of any description whatsoever which have been made in a tenement or dwelling house in which the family dwelling therein has not procured a license, as specified in section forty-four of this act, shall have affixed to each of said garments a tag or label not less than two inches in length and one inch in width, upon which shall be legibly printed or written the words "tenement made", and the name of the state and the town or city where said garment or garments were made.

Repeal.

SECTION 4. All acts or parts of acts inconsistent herewith are hereby repealed. *Approved March 9, 1898.*

Chap. 151 AN ACT TO CHANGE AND ESTABLISH THE BOUNDARY LINE BETWEEN THE CITY OF CAMBRIDGE AND THE TOWN OF WATERTOWN.

Be it enacted, etc., as follows:

Boundary line
between Cam-
bridge and
Watertown
changed, etc.

SECTION 1. The boundary line between the city of Cambridge and the town of Watertown is hereby changed and established as follows: — Beginning at a point on the southerly line of Mount Auburn street in Cambridge, two hundred seventy and seventy-three hundredths feet easterly from the boundary stone numbered eight in the present boundary line between the city of Cambridge and the town

of Watertown; thence westerly along a curve of one thousand seventeen and twenty-four hundredths feet radius, one hundred ninety-nine and thirty-eight hundredths feet; thence again westerly in a straight line, one hundred fifty-six and forty-one hundredths feet to a drill hole in the westerly abutment of the bridge over the Watertown branch of the Fitchburg railroad; thence northerly, ninety-three and seventy-three hundredths feet to a point in the present boundary line between said city and said town, to be marked by a boundary stone. Said new boundary line is shown by a red line upon a plan drawn by L. M. Hastings, city engineer of Cambridge, dated the twenty-sixth day of January in the year eighteen hundred and ninety-eight, entitled "Plan of proposed change in boundary line between the city of Cambridge and the town of Watertown", on file in the office of the secretary of the Commonwealth, and a copy of the same shall be filed by said city in the registry of deeds for the southern district of the county of Middlesex within thirty days after the passage of this act. All that part of the town of Watertown between the lines above described and the present boundary line between said city and said town is hereby set off from the town of Watertown and annexed to the city of Cambridge, and, until a new division of wards in said city is made, shall be and constitute a part of the first ward thereof.

Part of Watertown annexed to Cambridge.

SECTION 2. The boundary line between the city of Cambridge and the town of Watertown, from the northwest corner of the premises hereby set off from the town of Watertown to the city of Cambridge to the boundary line between the city of Cambridge and the town of Belmont, at stone monument numbered ten, shall be and hereby is the present southerly line of Belmont street, as shown by a red line upon the plan referred to in section one; and all the land which may lie on the southerly side of said street line is hereby set off to the town of Watertown.

Certain land set off to Watertown.

SECTION 3. The costs and expenses incurred in the establishment of the lines hereby defined and of erecting suitable monuments at the angles thereof shall be paid equally by said city of Cambridge and by said town of Watertown.

Payment of costs and expenses.

SECTION 4. This act shall take effect upon its passage.

Approved March 9, 1898.

Chap. 152 AN ACT TO INCORPORATE THE WORCESTER HIBERNIAN BUILDING ASSOCIATION IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

Worcester
Hibernian
Building Asso-
ciation in the
city of Worces-
ter incorpo-
rated.

SECTION 1. John McNamara, Jeremiah A. Twomey, Philip Kelley, John Burns, John J. Rogers, Walter N. Drohan, Martin J. Leonard, Daniel T. Courtney and Michael McCarthy, their associates and successors, are hereby made a corporation by the name of the Worcester Hibernian Building Association in the city of Worcester, for the purpose of erecting a building in the city of Worcester, and maintaining the same, for the accommodation and purposes of Hibernian apartments and lectures, and for social and charitable purposes; with all the rights and privileges and subject to the restrictions, duties and liabilities set forth in all general laws which now are or hereafter may be in force, so far as applicable to such corporations.

Members, elec-
tion, terms.

SECTION 2. The above-named persons shall continue members of the corporation during the term of three years from and after the passage of this act and until their successors shall be chosen, as follows:—At the third annual meeting after the passage of this act held by divisions one, three and twenty-four of the Ancient Order of Hibernians of America of Worcester, each organization may elect three members of the corporation, one for one year, one for two years and one for three years; and such organization may at each annual meeting thereafter elect one member for the term of three years; any other division of the Ancient Order of Hibernians of America in said Worcester, now or hereafter organized and recognized by the Massachusetts State Board of the Ancient Order of Hibernians of America, shall be likewise entitled to elect members of the corporation in the manner above described, upon payment of such sum of money to said corporation for the purposes above mentioned in this act, as said corporation shall by vote determine.

Trustees, elec-
tion, powers
and duties.

SECTION 3. Said corporation shall have authority to elect from its members a board of trustees for its government and management and to determine by its by-laws the tenure of office of its trustees, and to make rules and regulations governing the same. Said board shall also have power to invest, re-invest and manage all gifts, devises and bequests and all other funds of the corpora-

tion, and to employ and disburse the same for the relief of distressed Hibernians, their widows and orphans, and for the relief of any other needy and destitute persons and also for charitable purposes, and generally otherwise for the purposes of this act.

SECTION 4. Said corporation may take by purchase, gift, grant or otherwise and hold real and personal estate not exceeding one hundred thousand dollars in value: *provided, however*, that no shares of stock shall be issued and no dividends declared to members of the corporation.

May take and hold real and personal estate.

Proviso.

SECTION 5. John McNamara and Walter N. Drohan, or either of them, are authorized to call the first meeting of the corporation by notice sent by mail postpaid to each of their associates, appointing the time and place thereof, seven days at least before the meeting, at which meeting the mode of calling future meetings shall be regulated.

First meeting.

SECTION 6. This act shall take effect upon its passage.

Approved March 9, 1898.

AN ACT RELATIVE TO PLACING THE PUBLIC CEMETERIES IN THE CITY OF TAUNTON UNDER THE CONTROL OF THE PARK COMMISSIONERS OF SAID CITY.

Chap.153

Be it enacted, etc., as follows:

SECTION 1. The park commissioners of the city of Taunton shall have the custody, care and control of the public cemeteries in said city, subject to all general laws relating to cemeteries.

Care, etc., of public cemeteries in Taunton.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1898.

AN ACT TO PROVIDE THAT THE CITY ENGINEER OF THE CITY OF TAUNTON SHALL BE CLERK OF THE BOARD OF COMMISSIONERS OF SEWERAGE CONSTRUCTION.

Chap.154

Be it enacted, etc., as follows:

SECTION 1. The city engineer of the city of Taunton shall be ex officio the clerk of the board of commissioners of sewerage construction, created under the provisions of chapter two hundred and nineteen of the acts of the year eighteen hundred and ninety-five, and shall, under the direction of the said commissioners, have the superintendence of the construction, maintenance and operation of the system of sewerage and sewage disposal adopted by said city. In the discharge of his duty hereunder the

City engineer of Taunton to be clerk of board of commissioners of sewerage construction, etc.

city engineer shall have authority to employ such clerical and other assistance, and at such rates, as said commissioners shall deem reasonable and proper.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 9, 1898.

Chap.155 AN ACT RELATIVE TO THE TIME OF CLOSING THE POLLS AT FIRE DISTRICT ELECTIONS.

Be it enacted, etc., as follows:

P. S. 35, § 50,
amended.

SECTION 1. Section fifty of chapter thirty-five of the Public Statutes is hereby amended by striking out the word "two", in the second line, and inserting in place thereof the words:—one hour,—so as to read as follows:—*Section 50.* The polls at fire district elections shall be kept open not less than one hour and not more than six hours.

Fire district
elections, time
of closing polls.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1898.

Chap.156 AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO TAKE CERTAIN LANDS OF THE PROPRIETORS OF THE CEMETERY OF MOUNT AUBURN FOR STREET PURPOSES.

Be it enacted, etc., as follows:

City of Cam-
bridge may take
certain lands for
street purposes.

SECTION 1. In order to make the southerly line of Mount Auburn street in Cambridge straight and continuous with the southerly line of Mount Auburn street in Watertown as established by orders of the county commissioners of Middlesex county widening said street and the bridge over the tracks of the Watertown branch of the Fitchburg railroad, the city of Cambridge by its city council at any time within one year from the date when this act takes effect may, with the approval of the town of Watertown, take and hold by purchase or otherwise and may lay out, maintain and improve for street purposes the whole or any part of the following parcel of land belonging to the Proprietors of the Cemetery of Mount Auburn and bounded and described as follows, to wit:—Beginning on the southerly line of Mount Auburn street in Cambridge at the westerly corner of land of the said Proprietors of the Cemetery of Mount Auburn at the easterly line of the location of the Watertown branch of

the Fitchburg railroad; thence running easterly along and bounded by the said southerly line of said Mount Auburn street, two hundred and sixty-two and eleven hundredths feet; thence running westerly by a curved line of one thousand seventeen and twenty-four hundredths feet radius, one hundred ninety-nine and thirty-eight hundredths feet; thence running again westerly in a straight line, eighty-eight and ninety-three hundredths feet to the easterly line of the location of the Watertown branch of the Fitchburg railroad; thence running northeasterly on the easterly line of said location, forty-one feet to the point of beginning. Said parcel is shown on a plan drawn by the city engineer of Cambridge dated the twentieth day of January in the year eighteen hundred and ninety-eight, and on file in his office.

SECTION 2. The said city shall within sixty days after the taking of said lands, otherwise than by purchase or gift, cause to be recorded in the registry of deeds for the southern district of the county of Middlesex, the description of the land taken and a copy of said plan, with a statement of the purpose for which the same is taken, which statement shall be signed by the mayor.

Description of
lands, etc., to be
recorded.

SECTION 3. The estimation of damages, if any, caused by said taking, and the recovery of such damages shall in all respects be made and had in the same manner as is provided by law in the laying out, altering, discontinuing and establishing the grade of highways in said city.

Damages.

SECTION 4. The charges, expenses, damages and costs caused by, incident to and arising out of said taking shall be apportioned between the said city of Cambridge and the town of Watertown in case the said city and town cannot agree upon the same by a special commission of three disinterested persons to be appointed by the superior court or any justice thereof in term time or vacation, upon the application of the mayor and aldermen of said city. Upon such application the court shall cause notice thereof to be given to the town of Watertown fourteen days at least before the time fixed for the hearing, which may be had either at a sitting of the court held in said county or in Boston, and after a hearing shall appoint said commission. Said commission shall meet as soon as may be after its members receive their appointment, and after notice to and hearing the parties, with power to compel the attendance of witnesses before it, shall make apportionment

Payment of
expenses, etc.

in writing and return the same to court. The decree of the court confirming the decision of the commission shall be final and binding.

Approved March 9, 1898.

Chap.157 AN ACT RELATIVE TO APPROVING BONDS IN BASTARDY CASES.

Be it enacted, etc., as follows:

P. S. 85, § 14,
amended.

Bonds in
bastardy cases.

Section fourteen of chapter eighty-five of the Public Statutes is hereby amended by striking out the words "bail bonds", in the third and fourth lines, and inserting in place thereof the words:—provided in section five of this chapter,—so as to read as follows:—*Section 14.* When a person is committed on account of inability to give bond, he shall be discharged from prison on giving at any time thereafter the required bond, approved in the same manner as provided in section five of this chapter.

Approved March 10, 1898.

Chap.158 AN ACT TO INCORPORATE THE YOUNG PEOPLE'S CHRISTIAN UNION OF THE UNIVERSALIST CHURCH.

Be it enacted, etc., as follows:

Young People's
Christian Union
of the Univers-
alist Church in-
corporated.

SECTION 1. James D. Tillinghast, Alfred J. Cardall, Clara Bassett Adams, Gertrude A. Earle, Flint M. Bissell, Carl F. Henry, Omer G. Petrie, Angie M. Markley, Elizabeth H. Goldthwaite, Lee E. Joslyn, Nancy Jenison, Mary Grace Canfield, John Thomas Moore, Belle Gibson, Herbert B. Briggs, Albert C. Grier, Flora B. Brown, Isabella S. Macduff, James S. Stevens, Charles R. Tenney, Lucy C. Ross, M. Louise Crawford, Maud F. Keeler, Ransom P. Morse, L. Albert Moore, Frank Barnes, Elmer J. Felt, Harry L. Canfield, Harry M. Fowler, Jennie L. Ellis, Mary Andrews, Rufus F. Leach and Edward G. Mason, their associates and successors, are hereby made a corporation by the name of the Young People's Christian Union of the Universalist Church, for the purpose of fostering religious life among young people, of stimulating them to all worthy endeavor, and of training them in the work of the Universalist church, in the promulgation of its doctrines and in the increase of its power and influence. Said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Said corporation shall have the power to adopt a constitution and by-laws for the purpose of determining who shall become and remain members thereof, and for any other purpose not inconsistent with law.

SECTION 2. Said corporation, for the purposes aforesaid, shall have power to receive grants, devises, bequests and donations, and may hold real and personal estate to an amount not exceeding fifty thousand dollars. The property to be held by said corporation shall be exempt from taxation, in the same manner and to the same extent as the property of literary, benevolent, charitable and scientific institutions incorporated within this Commonwealth is now or may hereafter be exempt by law.

May hold real and personal estate, receive grants, etc.

SECTION 3. Said corporation and its officers may hold their meetings, annual or otherwise, in any state of the United States and in the District of Columbia.

Meetings.

SECTION 4. The Trustees of the Young People's Christian Union of the Universalist Church, a corporation organized under the general laws of this Commonwealth, is hereby authorized to transfer all its rights, interests and property to the corporation hereby created: *provided, however*, that the said existing corporation at a meeting to be regularly called in the manner provided by its present by-laws, by a notice stating the object of the meeting, shall vote to make such transfer; and the corporation hereby created, in case such transfer is made by the said existing corporation, shall take the place thereof and succeed to all its rights, interests, obligations and liabilities; and said existing corporation, upon making such transfer shall thereupon be dissolved, by virtue of such act of acceptance, subject to the provisions of sections forty-one and forty-two of chapter one hundred and five of the Public Statutes.

Certain property, etc., may be transferred to corporation.

Proviso.

SECTION 5. Alfred J. Cardall, Harry L. Canfield and Rufus F. Leach, or any two of them, are authorized to call the first meeting of the corporation by notice sent by mail prepaid to each of their associates, appointing the time and place thereof, three weeks at least before the meeting. At such first meeting ten of said incorporators shall constitute a quorum for the transaction of business; and at such meeting a constitution and by-laws may be adopted and officers elected thereunder.

First meeting.

SECTION 6. This act shall take effect upon its passage.

Approved March 10, 1898.

Chap. 159 AN ACT MAKING APPROPRIATIONS FOR SUNDRY EDUCATIONAL EXPENSES.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein provided, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

State board of education, secretary. For the salary and expenses of the secretary of the state board of education, forty-five hundred dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes.

Clerical and messenger service. For clerical and messenger service for the state board of education, a sum not exceeding two thousand dollars.

Agents. For salaries and expenses of agents of the state board of education, a sum not exceeding twelve thousand five hundred dollars.

Expenses. For incidental and contingent expenses of the state board of education and of the secretary thereof, a sum not exceeding eighteen hundred dollars.

Expenses of members of board. For travelling and other expenses of the members of the state board of education, a sum not exceeding one thousand dollars.

State normal schools. For the support of state normal schools, including accountants and certain other expenses of the boarding houses at Bridgewater, Framingham and Westfield, a sum not exceeding two hundred thirty-three thousand eight hundred and eighty-three dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes, and the excess, if any, from the treasury of the Commonwealth.

State normal art school. For the support of the state normal art school, a sum not exceeding twenty-two thousand and fifty dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes, and the excess, if any, from the treasury of the Commonwealth.

Teachers' institutes. For the expenses of teachers' institutes, a sum not exceeding two thousand dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes.

Massachusetts Teachers' Association. For the Massachusetts Teachers' Association, the sum of three hundred dollars, to be paid out of the moiety of

the income of the Massachusetts School Fund applicable to educational purposes, subject to the approval of the state board of education.

For expenses of county teachers' associations, a sum not exceeding three hundred and twenty-five dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes.

County teachers' associations.

For the Dukes County educational association, the sum of fifty dollars.

Dukes County educational association.

For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the state board of education.

Aid to pupils in state normal schools.

To enable small towns to provide themselves with school superintendents, a sum not exceeding sixty-three thousand seven hundred and fifty dollars.

School superintendents in small towns.

For the education of deaf pupils of the Commonwealth in the schools designated by law, a sum not exceeding fifty-five thousand dollars.

Education of deaf pupils.

For expenses in connection with the examination and certification of school teachers by state authority, a sum not exceeding five hundred dollars.

Examination and certification of school teachers.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1898.

AN ACT TO RELIEVE THE INSURANCE COMMISSIONER FROM THE OBLIGATION TO APPROVE THE ACCOUNTS OF THE STATE FIRE MARSHAL.

Chap. 160

Be it enacted, etc., as follows:

SECTION 1. Section seven of chapter four hundred and forty-four of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out all after the word "Commonwealth", in the eighth line, so as to read as follows: — *Section 7.* The fire marshal shall receive an annual salary of forty-five hundred dollars, and the deputy fire marshal twenty-five hundred dollars. Said fire marshal may employ clerks and assistants, and incur such expenses as may be necessary in the performance of his duties, not to exceed such sum as the general court may appropriate each year, all of which shall be paid out of the treasury of the Commonwealth.

1894, 444, § 7, amended.

State fire marshal, salary, expenses, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1898.

Chap.161 AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF TAUNTON.

Be it enacted, etc., as follows :

Proceedings of
city council of
Taunton con-
firmed.

SECTION 1. The proceedings of the city council of the city of Taunton in accepting chapter two hundred and nineteen of the acts of the year eighteen hundred and ninety-five, in which proceedings said chapter was designated as chapter two hundred and twenty, shall not be invalid by reason of said error, and said proceedings are hereby ratified and confirmed as an acceptance of said chapter two hundred and nineteen.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1898.

Chap.162 AN ACT TO PROVIDE THAT FIRE ENGINES AND APPARATUS SHALL
HAVE THE RIGHT OF WAY WHILE PASSING THROUGH THE STREETS
OF A CITY OR TOWN.

Be it enacted, etc., as follows :

Fire engines
and apparatus
to have right of
way, etc.

The officers and men of the fire department of any city or town, with the engines and apparatus thereof, shall have the right of way while going to a fire upon any alarm thereof, through any street, lane or alley in said city or town, subject to such rules and regulations as the city council or board of selectmen may prescribe. Whoever wilfully and maliciously obstructs or retards the passage of such engines and apparatus while so going to a fire shall be punished by imprisonment not exceeding three months or by fine not exceeding fifty dollars.

Approved March 12, 1898.

Chap.163 AN ACT TO DEFINE THE NUMBER OF BALLOTS TO BE PROVIDED
BY TOWN CLERKS FOR USE IN TOWN ELECTIONS.

Be it enacted, etc., as follows :

1893, 417, § 133,
amended.

SECTION 1. Section one hundred and thirty-three of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out the word "seventy-five", in the twelfth line, and in the fourteenth and fifteenth lines, and inserting in place thereof in each case the word : — sixty, — so as to read as follows : — *Section 133.* There shall be provided for each polling place at which an election for state or city officers is to be held, two sets of general

State and city
elections, num-
ber of ballots to
be provided.

ballots, each of not less than sixty ballots for every fifty and fraction of fifty registered male voters therein; and likewise for a city election two sets of special ballots, each of not less than sixty ballots for every fifty and fraction of fifty women registered to vote for school committee therein.

When ballots are required by law to be provided by the town clerk of a town for the election of town officers therein, there shall be provided one set of general ballots of not less than sixty ballots for every fifty and fraction of fifty registered male voters therein; and likewise one set of special ballots of not less than sixty ballots for every fifty and fraction of fifty women registered to vote for school committee therein.

Town elections,
number of
ballots to be
provided.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1898.

AN ACT RELATIVE TO SEWAGE DISPOSAL IN THE CITY OF TAUNTON.

Chap. 164

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter two hundred and nineteen of the acts of the year eighteen hundred and ninety-five is hereby amended by inserting after the word "aldermen", in the third line, the words:—and the common council,—so as to read as follows:—*Section 3.* Said commissioners shall have all the powers and be subject to all the duties and liabilities now conferred or imposed upon the mayor and aldermen and the common council by the charter of said city and by the statutes of the Commonwealth, relating to drains and common sewers and the disposal of sewage. Said commissioners shall annually, in the month of February, appoint a clerk, and may appoint, but not from their own number, a superintendent of sewers, and may remove said clerk and superintendent at their pleasure. The compensation of said clerk and superintendent shall be fixed by the city council.

1895, 219, § 3,
amended.

Commissioners,
powers and
duties, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1898.

AN ACT RELATIVE TO LIFE-SAVING APPARATUS USED BY FIRE DEPARTMENTS.

Chap. 165

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and ten of the acts of the year eighteen hundred and eighty-

1888, 310, § 1,
amended.

Fire depart-
ments to be
equipped with
apparatus for
saving life at
fires.

eight is hereby amended by striking out all from and including the word “second”, in the fourteenth line, to and including the word “third”, in the twentieth line, and inserting in place thereof the words: — and second, — so as to read as follows: — *Section 1.* Every city and town having a fire department established and organized according to law shall provide and keep, as a part of the equipment of such department, one or more of each of the following pieces of apparatus, and when any such city or town is divided into fire districts and only the fire department within any such district responds to a first alarm of fire therein, one or more of each of such pieces of apparatus shall be provided and kept in each such district: — First, a gun or other suitable device capable of shooting or throwing an arrow or other missile, with a cord attached thereto, over the top of or into any window of any building within such city or town, together with all needful appliances for properly working the same; and second, a “life-net” or “jumping-net”, so-called, suitable for breaking the fall of a person jumping from the top story of any such building. In every city and town subject to the provisions of this section one or more of each of the above-named pieces of apparatus shall be taken to every fire occurring therein in a building over two stories in height.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1898.

Chap.166

AN ACT RELATIVE TO THE METROPOLITAN WATER BOARD.

Be it enacted, etc., as follows:

Metropolitan
water board
may make
agreements for
care of certain
lands, etc.

SECTION 1. The metropolitan water board may make agreements with the metropolitan park commission, or with any park commission or any officer or board of any city or town in which any lands, rights, easements, or interest in lands in the control of said metropolitan water board are situated, for the care and control, with or without police protection, of such lands, rights, easements, or interest in lands, for such period and upon such terms and conditions as may be mutually agreed.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1898.

AN ACT RELATIVE TO THE INSPECTION OF STEAM BOILERS.

Chap.167

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter four hundred and eighteen of the acts of the year eighteen hundred and ninety-five is hereby amended by inserting after the word "one", in the second line, the words: —and not therein excepted, — so as to read as follows: — *Section 2.* Each of the boilers designated in section one, and not therein excepted, shall be inspected by the inspector of boilers for the district in which said boiler or boilers is located, as thoroughly as in the judgment of the inspector is necessary, and if the inspector so directs, it shall be the duty of the owner or user to have the boiler or boilers blown off dry, and the man-hole and the hand-hole covers thereon removed, ready for inspection upon the day designated by the inspector, the inspector giving the owner or user of said boiler or boilers fourteen days' notice in writing of the day upon which he will make such internal inspection, provided that such inspection shall not be required oftener than twice a year.

1895, 418, § 2,
amended.

Inspection of
certain steam
boilers.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1898.

AN ACT RELATIVE TO FURNISHING WATER IN CERTAIN CASES.

Chap.168

Be it enacted, etc., as follows :

SECTION 1. It shall be unlawful for any corporation engaged in selling or distributing water to refuse or neglect to furnish or supply water to or for any building or premises for the reason that a water bill remains unpaid by any previous owner or occupant of said building or premises: *provided*, that the person or persons applying for water shall not be in arrears to such corporation for water previously furnished to or for said building or premises, or to or for any other building or premises.

Not to refuse
to furnish water
in certain cases.

Proviso.

SECTION 2. Any corporation which so refuses or neglects to furnish water shall be subject to a fine of not less than ten dollars nor more than twenty dollars.

Penalty.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1898.

Chap.169

AN ACT TO DEFINE THE LIMITS OF BUZZARD'S BAY.

Be it enacted, etc., as follows :

Term defined.

SECTION 1. In the statutes of this Commonwealth the term "Waters of Buzzard's Bay", shall be deemed to mean the body of water commonly known as Buzzard's Bay and extending southwesterly to a line drawn from Cuttyhunk lighthouse to the southerly extremity of Gooseberry neck in the town of Westport.

SECTION 2. This act shall take effect upon its passage.

*Approved March 12, 1898.***Chap.170**

AN ACT TO PROVIDE FOR THE REARRANGEMENT AND INCREASE OF THE HEATING, LIGHTING AND POWER PLANT AT THE HOUSE OF CORRECTION IN CAMBRIDGE.

Be it enacted, etc., as follows :

Heating, lighting and power plant at house of correction in Cambridge may be increased, etc.

SECTION 1. The county commissioners of the county of Middlesex may rearrange and add to the steam boilers, machinery and electric lighting and heating plant of the house of correction and jail in East Cambridge, and may excavate for and construct a suitable building or receptacle for said plant in the yard of said house of correction and jail, of sufficient additional capacity to furnish the new registry of deeds and probate building now in process of construction with light, power and heat; and they may construct an underground passageway and do all other things necessary to connect said plant with said new registry of deeds and probate building.

Payment of cost.

SECTION 2. To defray the necessary cost of said work said commissioners are authorized to transfer from the appropriation authorized by chapter five hundred of the acts of the year eighteen hundred and ninety-six such reasonable sum as they may consider to be properly chargeable to said new registry of deeds and probate building, and the county treasurer is empowered and directed to pay such sum or sums as said commissioners may approve for said purpose out of the amount so transferred, and the balance, if any, out of the appropriation for repairs on public buildings, or out of any unexpended appropriation.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1898.

AN ACT RELATIVE TO NOMINATION PAPERS.

*Chap.*171

Be it enacted, etc., as follows :

SECTION 1. Section seven of chapter five hundred and seven of the acts of the year eighteen hundred and ninety-five, as amended by section thirteen of chapter four hundred and sixty-nine of the acts of the year eighteen hundred and ninety-six, is hereby amended by striking out the whole of said section and inserting in place thereof the following:— *Section 7.* Nominations by members of a political party of candidates for elective offices, for delegates to a convention, for caucus officers, and for a ward or town committee to be voted for at a caucus, shall be made by nomination papers, as hereinafter provided.

1895, 507, § 7,
etc., amended.

Nominations to
be made by
nomination
papers.

Such papers shall contain the signatures of not less than five legal voters of the ward or town in which the caucus is to be held.

Signatures.

Said voters shall be members of the political party whose caucus is to be held.

To be members
of party.

Every voter signing a nomination paper shall sign the same in person, and shall add to his signature the street and number, if any, of his residence.

To sign in
person, etc.

Nomination papers placing candidates in nomination shall not contain a larger number of names of candidates than there are persons to be elected. They may contain a less number.

Number of
names limited.

No nomination paper offered for filing shall be received or deemed to be valid unless there shall be presented for filing with such nomination paper the written acceptance of the candidate or candidates thereby nominated.

Acceptance to
be presented
for filing with
nomination
paper.

No vacancy caused by the death, withdrawal or ineligibility of any of the above candidates shall be filled in the manner now provided by law, unless the person entitled to fill such vacancy shall file the written acceptance of the candidate who is nominated to fill the vacancy.

Acceptance of
candidate to fill
vacancy to be
filed.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1898.

AN ACT RELATIVE TO THE PENSIONING OF WAR VETERANS WHO ARE MEMBERS OF THE POLICE FORCE OF THE CITY OF BOSTON.

*Chap.*172

Be it enacted, etc., as follows :

SECTION 1. The board of police of the city of Boston shall, at his own request, retire from active service and

Certain mem-
bers of police
force of Boston
may be retired.

place upon a pension roll any member of the police department who has performed faithful service in said department, if the member making said request served either as a soldier or as a sailor during the war of the rebellion and received an honorable discharge, provided said member has arrived at the age of sixty years, or has had twenty years active service in said department.

Pension.

SECTION 2. The amount of the annual pension allowed to any person retired under the provisions of the preceding section shall be one half of the amount of compensation received by him at the time of such retirement, the same to be paid by the city of Boston.

To be in addition to certain acts, etc.

SECTION 3. The provisions of this act are in addition to and not in repeal of any act now in force relative to pensioning members of said police department.

When to take effect.

SECTION 4. This act shall take effect upon its acceptance by the city council of the city of Boston.

Approved March 14, 1898.

Chap.173 AN ACT RELATIVE TO APPOINTMENTS IN THE FIRE DEPARTMENT OF THE CITY OF LOWELL.

Be it enacted, etc., as follows:

Chief engineer may appoint certain persons as members of the permanent force, etc.

SECTION 1. The chief engineer of the fire department of the city of Lowell may, on the recommendation of the board of engineers, appoint as members of the permanent force, or as call-men, without civil service examination, any person who has served as call or substitute call-man in said service for three or more successive years prior to the passage of this act.

May discharge subordinate officers, etc.

SECTION 2. Said chief engineer shall have the power to discharge all subordinate officers and employees in the fire department of said city, except the members of said board, and, with the approval of said board, to appoint and employ all such officers and employees.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved March 15, 1898.

Chap.174 AN ACT RELATIVE TO THE TAKING OF LAND FOR SCHOOL PURPOSES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

May take certain land for school purposes, etc.

SECTION 1. The school committee of the city of Boston are hereby authorized to take, with the consent of the city

council of said city, additional land adjoining the Gilbert Stuart school not exceeding twenty thousand square feet, according to the provisions of chapter forty-four of the Public Statutes, except so far as any part of said statute conflicts with the provisions of this act.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1898.

AN ACT RELATIVE TO PRINTING THE REPORT OF THE ATTORNEY-GENERAL.

Chap.175

Be it enacted, etc., as follows :

SECTION 1. There shall be printed annually twenty-five hundred copies of the report of the attorney-general.

Report of attorney-general.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 15, 1898.

AN ACT TO AUTHORIZE THE CITY OF MEDFORD TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR PARK PURPOSES.

Chap.176

Be it enacted, etc., as follows :

SECTION 1. The city of Medford, for the purpose of defraying the costs and expenses of acquiring land on, along or near Mystic river, for park purposes under the authority of chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-two, and for improving the same, may incur indebtedness to an amount not exceeding fifty thousand dollars, and may from time to time, by a vote passed in the manner provided by section seven of chapter twenty-nine of the Public Statutes, issue and sell bonds or scrip therefor, signed by its mayor and treasurer and countersigned by its auditor, payable in periods not exceeding thirty years from the date of issue, and bearing interest at a rate not exceeding four per cent. per annum, payable semi-annually. Said bonds or scrip shall be denominated on their face, Medford Park Loan, Act of 1898.

Medford Park Loan, Act of 1898.

SECTION 2. The debt and loan authorized by this act and the bonds or scrip issued therefor shall not be considered or reckoned in determining the authorized limit of indebtedness of said city under the provisions of section four of chapter twenty-nine of the Public Statutes and acts in amendment thereof; but said city shall establish a sinking fund as provided in section nine of said

Not to be considered in determining debt limit, etc.

Sinking fund, etc.

chapter twenty-nine, sufficient with its accumulations for the payment of the debt hereby authorized at its maturity, and any premium received in the sale of such bonds or scrip shall be paid over to the board of sinking fund commissioners and be placed in the sinking fund of said city created for the payment of the loan herein authorized.

Not to limit
certain power
of city, etc.

SECTION 3. Nothing in this act shall be construed as limiting the power which said city or its board of park commissioners may exercise under the authority of said chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-two and acts in amendment thereof.

SECTION 4. This act shall take effect upon its passage.

Approved March 15, 1898.

Chap.177 AN ACT RELATIVE TO THE POWERS OF THE CALEB'S POND COMPANY IN EDGARTOWN.

Be it enacted, etc., as follows :

1857, 193, § 1,
amended.

Section one of chapter one hundred and ninety-three of the acts of the year eighteen hundred and fifty-seven is hereby amended by inserting after the word "fishery", in the fifth line, the words : — or for the propagation of any kind of salt water fish, — so as to read as follows : —

Caleb's Pond
Company, in
Edgartown,
incorporated.

Purpose, etc.

Section 1. Valentine Pease, Henry Pease, 2nd, and David Davis, their associates and successors, are hereby made a corporation, by the name of the Caleb's Pond Company, in Edgartown, Dukes County, for the purpose of creating a herring and perch fishery, or for the propagation of any kind of salt water fish; and they are empowered to close the present outlet of said pond, and make a new one through the land of the company. The profits of the fishery so created shall belong to the company; but all persons may take fish with hook and line, or spear eels from said pond. And for this purpose the company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Powers, duties,
etc.

Approved March 15, 1898.

Chap.178 AN ACT RELATIVE TO FIRE INSURANCE.

Be it enacted, etc., as follows :

Repeal.

Section fifty-six of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four, relative to fire insurance, is hereby repealed.

Approved March 15, 1898.

AN ACT TO AUTHORIZE THE CITY OF LAWRENCE TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE COMPLETION OF A SEWER. Chap.179

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence, for the purpose of completing the sewer now under construction by said city in South Lawrence, may incur indebtedness to an amount not exceeding seventy-five thousand dollars beyond the limit fixed by law, and may issue bonds, notes or scrip therefor to said amount. Said bonds, notes or scrip shall be payable within such period, not exceeding thirty years from the date thereof, as the city council shall determine. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and in addition thereto shall, so far as applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

May issue bonds, notes or scrip, etc.

Certain provisions of law to apply.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1898.

AN ACT RELATIVE TO THE EXPENSES INCURRED UNDER THE ACT TO PROVIDE FOR A SYSTEM OF SEWAGE DISPOSAL FOR THE NEPONSET RIVER VALLEY. Chap.180

Be it enacted, etc., as follows:

SECTION 1. To meet the expenses incurred under the provisions of chapter four hundred and six of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof the treasurer and receiver general shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding thirty-five thousand dollars for a term not exceeding thirty-seven years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face as the Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Com-

Metropolitan Sewerage Loan.

monwealth, redeemable at the time specified therein in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by said chapter four hundred and six, and the sinking fund established under the provisions of said chapter shall be a sinking fund for the extinguishment of the debt authorized by this act, said fund to be increased in the following manner:—The treasurer and receiver general shall from year to year, beginning with the year eighteen hundred and ninety-eight, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity, and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto, one fifty-sixth part of the whole amount shall be assessed in each of the first seven years, beginning with the year eighteen hundred and ninety-eight; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred and five; one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and fifteen; and the remainder shall be equally divided in the remaining years, beginning with the year nineteen hundred and twenty-five. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

Sinking fund,
etc.

Apportionment
of expenses.

SECTION 2. Each of the cities and towns hereinafter named shall in the years eighteen hundred and ninety-eight, eighteen hundred and ninety-nine and nineteen hundred pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements for each of said years, as estimated by said treasurer, in the following proportions, to wit:—Boston, twenty-three and twenty-eight one hundredths per cent.; Dedham, thirteen and fifty-two one hundredths per cent.; Hyde Park, eighteen and thirteen one hundredths per cent.; Milton, forty-five and seven one hundredths per cent., said percentages being the same reported to the supreme judicial court by the apportionment commissioners in the year eighteen hundred and ninety-six, and accepted by said court.

SECTION 3. The supreme judicial court sitting in equity shall on the application of the board of metropolitan sewerage commissioners, after notice to each of the cities and towns mentioned in this act, appoint three commissioners, who shall not be residents of any of the cities and towns mentioned in this act, who shall, after due notice and hearing and in such manner as they deem just and equitable, determine for said system the proportion in which each of the cities and towns herein named shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year nineteen hundred, to meet the interest and sinking fund requirements for the said five years, as estimated by said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

Appointment of commissioners to determine proportion to be paid by cities and towns, etc.

SECTION 4. Before the expiration of said term of five years and every five years thereafter, other commissioners, who shall not be residents of any of the cities or towns mentioned in this act, shall be appointed as aforesaid, upon application of said board as aforesaid, who shall in such manner as they deem just and equitable determine the proportion in which each of said cities and towns in said system shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

To be appointed every five years, etc.

SECTION 5. The amount of money required each year from each city and town named in this act, to meet the interest and sinking fund requirements and cost aforesaid for the system in which in this act it is included for each year, and deficiency, if any, shall be estimated by said treasurer in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it at the time and in addition to its annual state tax, and said treasurer shall in each year notify each such city and town of the amount of such assessment, which amount shall be paid by the city or town into the treasury

Amount required from cities and towns to be estimated by treasurer, etc.

of the Commonwealth at the time required for the payment of its state tax.

Enforcement of provisions.

SECTION 6. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

SECTION 7. This act shall take effect upon its passage.

Approved March 15, 1898.

Chap.181

AN ACT RELATIVE TO THE PRESERVATION OF DEER.

Be it enacted, etc., as follows :

Hunting, etc., of deer restricted.

SECTION 1. Whoever before the first day of November in the year nineteen hundred and three, hunts, chases or kills a deer, except his own tame deer kept on his own grounds, shall forfeit for every such offence one hundred dollars.

Repeal.

SECTION 2. Chapter one hundred and sixty-nine of the acts of the year eighteen hundred and eighty-three and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 15, 1898.

Chap.182

AN ACT TO AUTHORIZE THE ORPHEUS MUSICAL SOCIETY TO HOLD REAL AND PERSONAL ESTATE TO THE AMOUNT OF FIFTY THOUSAND DOLLARS.

Be it enacted, etc., as follows :

1860, 174, § 2, amended.

SECTION 1. Section two of chapter one hundred and seventy-four of the acts of the year eighteen hundred and sixty is hereby amended by striking out the whole of said section and inserting in place thereof the following:—

May hold real and personal estate, issue bonds, etc.

Section 2. Said corporation may hold real and personal estate to an amount not exceeding fifty thousand dollars, may issue bonds to an amount not exceeding the value of such estate, and may secure the same by mortgage.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1898.

Chap.183

AN ACT TO AUTHORIZE THE PAYMENT OF FIVE HUNDRED DOLLARS ANNUALLY TO THE COMMANDER OF THE NAVAL BRIGADE ON ACCOUNT OF MILITARY PROPERTY OF THE COMMONWEALTH IN HIS CHARGE.

Be it enacted, etc., as follows :

1893, 367, § 128, amended.

SECTION 1. Section one hundred and twenty-eight of chapter three hundred and sixty-seven of the acts of the

year eighteen hundred and ninety-three is amended by inserting after the word “dollars”, where it first appears in the twenty-seventh line thereof, the following words:—To the commander of the naval brigade, five hundred dollars.

To commander
of naval bri-
gade, \$500.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1898.

AN ACT RELATIVE TO THE INVESTMENTS OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Chap. 184

Be it enacted, etc., as follows:

SECTION 1. Section twenty-one of chapter three hundred and seventeen of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the third clause of said section, paragraphs *a*, and *b*, and inserting in place thereof the following new paragraphs:—

1894, 317, § 21,
amended.

a. In the first mortgage bonds of any railroad company incorporated under the authority of any of the New England states and whose road is located wholly or in part in the same, and which is in possession of and operating its own road, and has earned and paid regular dividends of not less than three per cent. per annum on all its issues of capital stock for the two years next preceding such investment.

First mortgage
bonds of certain
railroad com-
panies.

b. In the first mortgage bonds of any railroad company incorporated under the authority of any of the New England states and whose road is located wholly or in part in the same, guaranteed by a railroad company such as is described in paragraph *a*, of this clause.

Said section is further amended in the third clause thereof by inserting in the fifth line of paragraph *d*, after the word “dividends”, the words:—of not less than three per cent. per annum,—so that as amended the paragraph will read as follows:—

d. In the first mortgage bonds of any railroad company incorporated under the authority of any of the New England states and whose road is located wholly or in part in the same, and has earned and paid regular dividends of not less than three per cent. per annum for the two years next preceding such investment on all its issues of capital stock, notwithstanding the road of such company may be leased to some other railroad company.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1898.

Chap.185 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT
THE STATE ALMSHOUSE.

Be it enacted, etc., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —

State alms-house. For the payment of salaries, wages and labor at the state almshouse, a sum not exceeding thirty-eight thousand dollars.

Expenses. For current expenses at the state almshouse, a sum not exceeding one hundred and fifteen thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1898.

Chap.186 AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO RE-
FUND A PORTION OF ITS DEBT.

Be it enacted, etc., as follows :

May issue bonds, notes or scrip, etc. SECTION 1. The town of West Springfield is hereby authorized to issue from time to time, bonds, notes or scrip to an amount not exceeding one hundred thousand dollars, for the purpose of refunding a portion of its indebtedness at present existing, as it becomes due. The bonds, notes or scrip issued under the provisions of this act shall be payable not more than thirty years from the date of issue, and shall bear interest, payable semi-annually, at a rate not exceeding four per cent. per annum. They shall be signed by the treasurer and countersigned by the selectmen of the town, and may be sold or negotiated at public or private sale, and the proceeds shall be used to discharge an equal amount of the existing debt of said town. The provisions of chapter twenty-nine of the Public Statutes and acts in amendment thereof and in addition thereto shall, except as herein otherwise provided, apply to the indebtedness authorized by this act and the securities issued therefor.

Certain provisions of law to apply.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1898.

AN ACT TO ENLARGE THE POWERS OF WOMEN APPOINTED AS SPECIAL COMMISSIONERS. *Chap. 187*

Be it enacted, etc., as follows:

SECTION 1. Special commissioners appointed under the provisions of chapter two hundred and fifty-two of the acts of the year eighteen hundred and eighty-three, as amended by chapter one hundred and ninety-seven of the acts of the year eighteen hundred and eighty-nine, as amended by chapter four hundred and seventy-six of the acts of the year eighteen hundred and ninety-six, shall have the same powers as justices of the peace for the purpose of appointing appraisers of the estates of deceased persons and of all other estates of which appraisers are by law required to be appointed.

Powers of women appointed special commissioners enlarged.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1898.

AN ACT TO INCORPORATE THE WOMEN CLERKS' BENEFIT ASSOCIATION OF BOSTON. *Chap. 188*

Be it enacted, etc., as follows:

SECTION 1. The present members of the voluntary association known as the women clerks' benefit association, of Boston, Massachusetts, their associates and successors, are hereby made a corporation under the name of the Women Clerks' Benefit Association of Boston, for the purpose of promoting friendly intercourse among its members and of assisting members thereof when sick or disabled or out of employment, and for the purpose of assisting the families of deceased members. Said corporation shall have all the powers and privileges and be subject to all the duties and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations: *provided*, that said corporation shall not be subject to the laws relating to life insurance companies and shall not be required to make a return to the insurance commissioner.

Women Clerks' Benefit Association of Boston incorporated.

Powers and duties, etc.

Proviso.

SECTION 2. Said corporation, for the purposes aforesaid, shall have power to receive grants, devises, bequests and donations, and may hold real and personal estate to an amount not exceeding fifty thousand dollars.

May hold real and personal estate, receive grants, devises, etc.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1898.

Chap. 189 AN ACT TO INCORPORATE THE NORTH ROCHESTER CEMETERY ASSOCIATION.

Be it enacted, etc., as follows:

North Rochester Cemetery Association incorporated.

SECTION 1. George M. White, George H. Gerrish, Clarence W. Maxim, Frederick W. J. Gerrish, Charles M. Maxim and John G. Bennett, their associates and successors, are hereby made a corporation by the name of the North Rochester Cemetery Association, for the purpose of contrölling, caring for and improving ground set apart and known as the North Rochester Cemetery, situated and lying in the town of Rochester. Said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force applicable to similar corporations.

Powers and duties, etc.

May take possession of cemetery, acquire necessary personal estate, etc.

SECTION 2. Said corporation is hereby authorized to take possession and assume legal control of said cemetery, and may acquire by gift, bequest, devise or purchase, and may hold so much personal property as may be necessary for the objects connected with and appropriate for the purposes of said association: *provided*, that nothing herein contained shall affect the individual rights of proprietors in said cemetery.

Proviso.

Membership.

SECTION 3. All persons who shall become proprietors of lots in any lands acquired by said association, and all persons who now are proprietors of lots, whether by deed or otherwise, in the real estate referred to in section one of this act, shall be and become members of said association; and whenever any person shall cease to be the proprietor of a lot in the lands of said association he shall cease to be a member thereof.

Net proceeds of sales of lots to be applied to improvement, etc.

SECTION 4. All the net proceeds of sales of lots in the lands held by said corporation shall be devoted and applied to the preservation, improvement, embellishment, protection and enlargement of said cemetery and the incidental expenses thereof, and to no other purpose.

Grants, bequests, etc.

SECTION 5. Said corporation is hereby authorized to take and hold any grant, donation or bequest of property, upon trust, to apply the same or the income thereof for the improvement, embellishment or enlargement of said cemetery, or for the erection, repair, preservation or removal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants

in or around any lot, or for improving said premises in any other manner or form consistent with the object of said corporation, according to the terms of such grant, donation or bequest.

SECTION 6. Said corporation may by its by-laws provide for such officers as may be necessary, and may also provide for the care and management of the cemetery and for the sale and conveyance of lots therein, and for the care and management of any funds which it may hold for the benefit and care of said cemetery, and for any other matters incident to the proper management of the corporation.

May provide for necessary officers, etc.

SECTION 7. This act shall take effect upon its passage.

Approved March 17, 1898.

AN ACT TO AUTHORIZE TOWNS TO ADOPT BY-LAWS RELATING TO THE REMOVAL OF SNOW FROM SIDEWALKS.

Chap. 190

Be it enacted, etc., as follows:

SECTION 1. Section fifteen of chapter twenty-seven of the Public Statutes is hereby amended by inserting after the third paragraph thereof, the following: — For providing for the removal of snow and ice from the sidewalks within the limits of the highways or town ways therein to such extent as they may deem expedient; the penalty for the violation of such by-laws to apply to the owner of abutting property or his agent having charge thereof, — so as to read as follows: — *Section 15.* Towns may make for the following named purposes in addition to other purposes authorized by law such necessary orders and by-laws, not repugnant to law, as they may judge most conducive to their welfare, and may affix penalties, not exceeding twenty dollars for one offence, for breaches thereof: —

P. S. 27, § 15, amended.

For directing and managing the prudential affairs, preserving the peace and good order, and maintaining the internal police thereof.

Towns may make by-laws and affix penalties.

For preventing the falling and securing the removal of snow and ice from the roofs of buildings in such portions of their limits, and to such extent, as they may deem expedient; the penalty for violation of such by-laws to apply to the owner of such building or to his agent having the care thereof.

For managing prudential affairs, etc.

For securing removal of snow, etc., from roofs, etc.

For providing for the removal of snow and ice from the sidewalks within the limits of the highways or town ways

For providing for removal of snow, etc., from sidewalks.

therein to such extent as they may deem expedient; the penalty for the violation of such by-laws to apply to the owner of abutting property or his agent having charge thereof.

For requiring erection of barriers, etc.

For requiring owners of buildings near the line of streets and public ways to erect barriers or to take other suitable measures to prevent the falling of snow and ice from such buildings upon persons travelling on such streets and ways, and to protect such persons from any other dangers incident to the maintenance, occupation, or use of such buildings.

Certain by-laws to be in force, etc.

SECTION 2. By-laws adopted by towns prior to the passage of this act and approved by the superior court, so providing for the removal of snow and ice from sidewalks, shall hereafter have the same force and effect as if so adopted and approved after the passage of this act.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1898.

Chap. 191 AN ACT TO PROVIDE FOR THE NOMINATION OF CERTAIN CANDIDATES IN POLITICAL CONVENTIONS BY A MAJORITY VOTE ON A ROLL CALL.

Be it enacted, etc., as follows:

1897, 530, § 25, amended.

Section twenty-five of chapter five hundred and thirty of the acts of the year eighteen hundred and ninety-seven is hereby amended by inserting after the word "officers", in the second line, the words:—to be voted for at large,—and by striking out in the eleventh line, the words "the largest number of", and inserting in place thereof the words:—a majority of the,—so as to read as follows:—*Section 25.* At any political convention except a convention for the nomination of state officers to be voted for at large, on motion of any delegate which receives the support of one fourth of the delegates present, the nomination of any candidate shall be made by roll call in the following manner. The clerk or secretary of the convention shall call the roll of the towns and cities in alphabetical order or of wards in a city in numerical order, and each delegate shall as his name is called state in the hearing of the convention the name of the candidate for whom he desires to vote, and the person receiving a majority of the votes on such roll call shall be the candidate of the convention.

Candidates to be nominated by roll call at certain conventions.

Approved March 17, 1898.

AN ACT RELATIVE TO THE SALE OF POISONS.

*Chap.*192

Be it enacted, etc., as follows:

SECTION 1. Section twenty of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 20.* Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large black letters the word, Poison, and also the word, Antidote, and the name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this act shall be construed to apply to wholesale dealers and to manufacturing

1896, 397, § 20,
amended.

Persons selling
certain poisons
to keep record,
etc.

Penalty.

"Poison" and
"Antidote" to
be printed on
label.

Penalties.

Not to apply to
wholesale
dealers, etc.

chemists in their sales to the retail trade, nor to the general merchant, who may sell in unbroken packages containing not less than one quarter of a pound, Paris green, London purple, or other arsenical poisons for the sole purpose of destroying potato bugs or other insect life upon plants, vines or trees: *provided*, that such merchant complies with the provisions of this section in respect to recording such sale and labelling each package sold.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1898.

Chap.193 AN ACT TO PROHIBIT THE USE OF CERTAIN COLORING MATTER IN THE MANUFACTURE OF SAUSAGES.

Be it enacted, etc., as follows:

Use of certain coloring matter in the manufacture of sausages prohibited.

Whoever uses, in the manufacture of sausages, any coloring substance injurious to health shall be punished by fine not exceeding one hundred dollars for each offence.

Approved March 17, 1898.

Chap.194 AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD TO PURCHASE AND HOLD THE SHARES OF THE CAPITAL STOCK OF ANY RAILROAD CORPORATION WHOSE ROAD IS LEASED TO OR OPERATED BY IT OR OF WHICH IT OWNS A MAJORITY OF THE CAPITAL STOCK.

Be it enacted, etc., as follows:

The Boston and Maine Railroad may purchase and hold shares of capital stock of certain other railroad corporations.

SECTION 1. The Boston and Maine Railroad may, subject to the approval of the board of railroad commissioners, purchase and hold the shares of the capital stock, or any part thereof, of any railroad corporation whose road is leased to or operated by it, or of which it owns a majority of the capital stock.

May issue and dispose of its own shares, etc.

SECTION 2. For the purpose of providing the means necessary for a purchase of shares which has been approved as aforesaid, the Boston and Maine Railroad may issue and dispose of its own shares, subject to the approval of the railroad commissioners as to the amount and to the provisions of all general laws relating to the issue and disposal of new shares of stock of railroad corporations. In case the Boston and Maine Railroad acting under authority of this section shall have issued its own capital stock to provide the means of paying for shares of the capital stock of any other corporation, it shall hold the certificates representing the shares of such purchased

capital stock in its treasury. Each certificate so held shall be stamped under the direction of the board of railroad commissioners "non-transferable", and the same shall not thereafter for any reason or under any circumstances ever be allowed to pass out of the treasury of the Boston and Maine Railroad; shall, upon the written order of said board be produced and exhibited to them at any time; and the franchise tax assessable against a lessor corporation shall be computed upon the valuation of its shares not purchased, held and stamped hereunder. Any member of the board of directors, or any treasurer or other officer or agent of the Boston and Maine Railroad, or any person in control or in possession of such certificates thus stamped "non-transferable", who knowingly violates any of the provisions of this section shall be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Certificates representing shares of purchased capital stock to be stamped "non-transferable," etc.

Penalty.

SECTION 3. No modification or cancellation hereafter made of any lease of any railroad to the Boston and Maine Railroad shall be valid or binding until the terms thereof shall have been first approved, at meetings called for the purpose, by the holders of a majority of the stock of the lessor corporation, exclusive of the stock acquired by the Boston and Maine Railroad under authority of this act, and also by the holders of a majority of the stock of the lessee corporation, and also approved by the board of railroad commissioners.

Terms of modification, etc., of certain leases to be approved.

SECTION 4. Any justice of the supreme judicial court or of the superior court may, upon application of the board of railroad commissioners, or of the attorney-general of the Commonwealth, or of any party interested, restrain any violation or threatened violation of any of the provisions of this act.

Violation of provisions may be restrained.

SECTION 5. This act shall take effect upon its passage.

Approved March 19, 1898.

AN ACT RELATIVE TO THE OPEN SEASON FOR SHOOTING SCOTERS OR COOTS.

Chap. 195

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and five of the acts of the year eighteen hundred and ninety-four is hereby amended by inserting after the word

1894, 205, § 1, amended.

Penalty for
taking, etc.,
grouse, quail,
coots, etc.

Proviso.

“species”, in the seventh line, the words:—except the scoters commonly called coots,—and by inserting after the word “September”, in the eighth line, the words:—or any of the scoters commonly called coots, between the twentieth day of May and the first day of September,—so as to read as follows:—*Section 1.* Whoever takes or kills a pinnated grouse at any time, or a woodcock, or a ruffed grouse, commonly called a partridge, between the first day of January and the fifteenth day of September, or a quail between the first day of January and the fifteenth day of October, or a wood or summer duck, black duck or teal, or any of the so-called duck species, except the scoters commonly called coots, between the fifteenth day of April and the first day of September, or any of the scoters commonly called coots, between the twentieth day of May and the first day of September; and whoever buys, sells or has in his possession any of the birds named in this act and protected thereby, during the time within which the taking or killing thereof is prohibited, whenever or wherever the aforesaid birds may have been taken or killed, shall be punished by a fine of twenty dollars for every bird so taken or killed, or had in possession: *provided, however,* that any person, firm or corporation dealing in game or engaged in the cold storage business, may buy, sell or have in possession, and any person may buy from such person, firm or corporation, and have in possession, if so bought, quail from the fifteenth day of October to the first day of May; and any such person, firm or corporation, may have in possession on cold storage, quail, and may buy, sell and have in possession pinnated grouse, wild pigeons and any of the so-called shore, marsh or beach birds, or of the so-called duck species, at any season, if said quail, grouse or other birds have not been taken or killed in this Commonwealth contrary to the provisions of this act.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1898.

Chap.196 AN ACT RELATIVE TO THE REIMBURSEMENT OF EXPENSES INCURRED BY CERTAIN TOWNS IN THE MAINTENANCE OF THE INSANE.

Be it enacted, etc., as follows:

1892, 243, etc.,
amended.

SECTION 1. Chapter two hundred and forty-three of the acts of the year eighteen hundred and ninety-two, as

amended by chapter three hundred and seventy-five of the acts of the year eighteen hundred and ninety-five, is hereby amended by inserting in the sixth line, after the word "maintenance", the words:—of an insane person,—also by striking out the words "of an insane person", in the eighth line, and inserting in place thereof the words:—or in any other place under the charge of the state board of lunacy and charity,—so as to read as follows:—Whenever it shall be made to appear to the governor and council that a town of this Commonwealth having a taxable valuation of less than five hundred thousand dollars, in the valuation of polls and estates established by the general court, is lawfully charged with the maintenance of an insane person at one of the state lunatic hospitals or asylums, or the state almshouse or state farm, or in any other place under the charge of the state board of lunacy and charity, by reason of such person having a legal settlement in such town, the expense hereafter incurred for such maintenance may be reimbursed such town in whole or in part from the state treasury.

Reimbursement
of certain towns
for maintenance
of insane.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1898.

AN ACT TO INCORPORATE THE MERRIMAC RIVER BAPTIST ASSOCIATION.

Chap. 197

Be it enacted, etc., as follows:

SECTION 1. Edward P. Tuller, Henry A. Cornell, Smardus F. Snell, Nathan Bailey, Amos W. Downing, Warren L. Floyd and Andrew Sharpe, their associates and successors in the membership of the Merrimac River Baptist Association, are hereby made a corporation by the name of the Merrimac River Baptist Association, for the purpose of continuing the work heretofore carried on by the voluntary association bearing the same name, and especially for the purpose of holding and managing a legacy given to said association by the will of Harriet N. Flint, late of Wakefield in the county of Middlesex, deceased, and any other legacies or other funds hereafter received by said corporation, and with the powers and privileges and subject to the duties set forth in chapter one hundred and fifteen of the Public Statutes, and in such other general laws as now are or hereafter may be in force relating to such corporations.

Merrimac River
Baptist Association
incorporated.

To succeed to
certain powers,
rights, etc.

SECTION 2. Upon the acceptance of this act of incorporation by the said Merrimac River Baptist Association at its regular annual meeting, or at any special meeting duly called therefor, the corporation hereby created shall succeed to all the powers, rights and obligations of said association, and all members of said voluntary association shall thereupon become members of said corporation.

Grants, devises,
etc.

SECTION 3. Said corporation may acquire by gift, grant, devise or purchase, and hold for the purposes aforesaid, real and personal estate to the value of fifty thousand dollars.

Property to be
exempt from
taxation, etc.

SECTION 4. The property, real and personal, of said corporation shall be exempt from taxation in the same manner and to the same extent as the property of literary, benevolent, charitable and scientific institutions incorporated within this Commonwealth.

SECTION 5. This act shall take effect upon its passage.

Approved March 22, 1898.

Chap.198

AN ACT TO AUTHORIZE THE TOWN OF BROOKLINE TO APPROPRIATE AND BORROW MONEY FOR A BUILDING FOR COURT AND POLICE PURPOSES.

Be it enacted, etc., as follows :

Town of Brook-
line may appro-
priate and
borrow money
for a building
for court pur-
poses, etc.

SECTION 1. The town of Brookline may at a legal meeting appropriate and borrow a sum not exceeding seventy-five thousand dollars, for the erection, either alone or jointly with the county of Norfolk, of a public building for court and for police purposes, and may make necessary appropriations from time to time for the furnishing and the maintenance of such building, either alone or jointly with the county of Norfolk.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1898.

Chap.199

AN ACT TO DETERMINE THE TIMES AND PLACES OF HOLDING PROBATE COURTS FOR THE COUNTY OF BRISTOL.

Be it enacted, etc., as follows :

Times and
places of hold-
ing probate
courts for Bris-
tol county.

SECTION 1. After the first day of May in the year eighteen hundred and ninety-eight probate courts shall be held in each year for the county of Bristol, at Taunton, on the first Friday of March, June, September and December, and on the third Friday of January, April, October and December; at Fall River, on the first Friday

of January, April, July and October, on the third Friday of February, May and November, and on the second Friday of September; and at New Bedford, on the first Friday of February, May, August and November, and on the third Friday of March, June and September.

SECTION 2. So much of section forty-eight of chapter one hundred and fifty-six of the Public Statutes as relates to holding probate courts in the county of Bristol is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1898.

AN ACT TO PROVIDE FOR ALLOWING COSTS TO PARTIES RECOVERING DAMAGES IN GRADE CROSSING CASES.

Chap. 200

Be it enacted, etc., as follows:

SECTION 1. In all proceedings for the recovery of damages sustained in the abolition of grade crossings, and the separating of the grades of highways and railroads, parties recovering damages shall also recover costs as in other civil cases, and the court before which the trial is had may, as a part of such costs, in its discretion make allowances for reasonable expenses incurred for surveys and plans. Recovery of costs in grade crossing cases.

SECTION 2. This act shall apply to all proceedings pending at the time of its passage. To apply to certain proceedings.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1898.

AN ACT TO DETERMINE THE TIMES AND PLACES OF HOLDING PROBATE COURTS FOR THE COUNTY OF NORFOLK.

Chap. 201

Be it enacted, etc., as follows:

SECTION 1. Probate courts shall be held in each year for the county of Norfolk, at Dedham, on the first and third Wednesdays, at Quincy, on the second Wednesday, and at Brookline, on the fourth Wednesday of every month except August. Times and places of holding probate courts for Norfolk county.

SECTION 2. So much of section forty-eight of chapter one hundred and fifty-six of the Public Statutes as relates to holding probate courts for the county of Norfolk is hereby repealed. Repeal.

SECTION 3. This act shall take effect on the first day of August in the year eighteen hundred and ninety-eight. To take effect August 1, 1898.

Approved March 22, 1898.

Chap:202 AN ACT TO AUTHORIZE THE LOWELL, LAWRENCE AND HAVERHILL STREET RAILWAY COMPANY AND THE LOWELL AND SUBURBAN STREET RAILWAY COMPANY, RESPECTIVELY, TO OPERATE THEIR CARS EACH OVER CERTAIN LOCATIONS OF THE OTHER.

Be it enacted, etc., as follows:

The Lowell, Lawrence and Haverhill Street Railway Company may operate its cars over certain tracks of the Lowell and Suburban Street Railway Company.

SECTION 1. The Lowell, Lawrence and Haverhill Street Railway Company is hereby authorized, with the consent of the Lowell and Suburban Street Railway Company, to operate its cars over any tracks of said Lowell and Suburban Street Railway Company which may be or are already laid upon locations granted to said Lowell and Suburban Street Railway Company in Andover, Tewksbury and Lowell, from the westerly terminus of the location of said Lowell, Lawrence and Haverhill Street Railway Company in Andover to Merrimack square in Lowell.

The Lowell and Suburban Street Railway Company may operate its cars over certain tracks of the Lowell, Lawrence and Haverhill Street Railway Company.

SECTION 2. The Lowell and Suburban Street Railway Company is hereby authorized, with the consent of the Lowell, Lawrence and Haverhill Street Railway Company, to operate its cars over any tracks of said Lowell, Lawrence and Haverhill Street Railway Company which may be or are already laid upon locations granted to said Lowell, Lawrence and Haverhill Street Railway Company in Andover and Lawrence, from the easterly terminus of the location of said Lowell and Suburban Street Railway Company in Andover to the transfer station of said Lowell, Lawrence and Haverhill Street Railway Company on Essex street in Lawrence.

Contracts, etc., to be approved by railroad commissioners.

SECTION 3. Said Lowell, Lawrence and Haverhill Street Railway Company and said Lowell and Suburban Street Railway Company may make such contracts and agreements regarding the respective running of the cars of each over the tracks of the other, as authorized by this act, as may be approved by the board of railroad commissioners.

Not to compel permission, etc.

SECTION 4. Nothing in this act shall be construed as compelling said Lowell, Lawrence and Haverhill Street Railway Company and said Lowell and Suburban Street Railway Company, respectively, to permit the running of cars of each over the tracks of the other, as authorized by this act.

SECTION 5. This act shall take effect upon its passage.

Approved March 22, 1898.

AN ACT TO GRANT CERTAIN POWERS TO PRECINCTS THREE AND FOUR IN THE TOWN OF TEMPLETON.

Chap. 203

Be it enacted, etc., as follows:

SECTION 1. That portion of the territory of the town of Templeton which is included in the voting precinct number three, as now defined upon the records of the town of Templeton, is hereby constituted a district for the purpose of establishing and constructing sidewalks, with the powers given in this act. This district shall be known as the Otter River district.

Construction of sidewalks in Templeton.

Otter River district established.

SECTION 2. That portion of the territory of the town of Templeton which is included in the voting precinct number four, as now defined upon the records of said town of Templeton, is hereby made a district for the purpose of establishing and constructing sidewalks, with the powers given in this act. This district shall be known as the Baldwinville district.

Baldwinville district established.

SECTION 3. Whenever the inhabitants of either or both of said districts shall accept this act, by a two thirds vote of the voters present and voting at a meeting duly called for the purpose, the selectmen of the town may establish and grade sidewalks, and complete partially constructed sidewalks, on any street within said districts, as public necessity and convenience may require, with or without edgestones; and may cover the same with brick, flat stones, concrete, gravel or other appropriate material, and may assess not exceeding one fourth of the expense proportionally upon the abutters on said sidewalks; but no abutters shall be assessed a sum exceeding one per cent. of the valuation of his abutting estate, as fixed by the last preceding annual assessment of taxes; and all assessments so made shall constitute a lien upon the abutting land, and shall be collected in the same manner as taxes upon real estate. The residue of the expense for such sidewalks shall be paid by the inhabitants of the district in which they are constructed, as hereinafter provided.

When accepted by inhabitants of district selectmen may establish sidewalks, apportion expense, etc.

Assessments to constitute a lien upon abutting land, etc.

SECTION 4. Any person sustaining damages in his property by reason of the establishment or construction of sidewalks under the authority of this act, which could have been recovered against the town had such sidewalk been established and constructed under the general laws relating thereto, may recover the same from the town,

Damages.

and in case the persons injured cannot agree with the selectmen upon such damages the party injured may have the damages determined by a jury at the bar of the superior court of the county of Worcester, on petition brought within one year after the completion of the sidewalk occasioning the damages complained of, in the same manner as damages may be determined when occasioned by the taking of land for the laying out of highways, and subject to the rules of law governing the determination of such damages, so far as applicable.

Benefit to be allowed as set-off in estimating damages.

SECTION 5. In estimating the damages sustained by the construction of sidewalks under the preceding sections there shall be allowed by way of set-off, the benefit, if any, to the property of the party by reason thereof.

Expense of sidewalks, etc., to be primarily paid by the town.

SECTION 6. The expense of all sidewalks constructed under the authority of section three, all damages recovered under the authority of section four, and all expenses incurred or sustained by the town in settling claims for such damages, in enforcing or defending assessments made under the authority of this act, including therein all costs and counsel fees, shall primarily be paid by the town, which shall be reimbursed in the manner hereinafter provided by the district in which the sidewalk on account of which the expense was incurred or damages paid was built.

Sidewalks not to be dug up, etc., without consent of selectmen.

SECTION 7. No sidewalk constructed or graded under the authority of this act shall be dug up or encumbered without the consent of the selectmen of the town of Templeton.

P. S. 50, § 25, to apply, lien to continue for two years.

SECTION 8. In all cases assessments levied under the authority of this act may be apportioned in the manner provided in section twenty-five of chapter fifty of the Public Statutes, and the lien provided for in section three of this act shall continue until the expiration of two years from the time that the last instalment was committed to the collector.

Selectmen to certify to assessors annually the cost of certain sidewalks, etc.

SECTION 9. The selectmen shall annually, between the first and fifteenth days of April, certify to the assessors the entire cost of sidewalks completed under the authority of this act, after deducting the amount of the assessments levied upon abutting owners, all sums paid for land damages, all expenses of settlement, and of enforcing and defending assessments, and all costs of maintenance and amounts recovered, with costs, on account of defects, which sums shall be assessed and collected from the inhabitants of the district in which the sidewalk lies, on

account of which the expenses were incurred or damages or costs were paid.

SECTION 10. Meetings of the inhabitants of either or both of the districts provided for in sections one and two, for the adoption of the provisions of this act, shall be called by the selectmen in the same manner as town meetings are called. All persons who would then be duly qualified to vote in town affairs and who reside within the district shall be entitled to vote at such meeting. If the selectmen refuse or neglect to call such meeting a justice of the peace may call the same. At any such meeting a moderator shall be chosen, who shall have the powers of the moderator of the town meeting, and the town clerk shall keep the records.

Meetings of inhabitants for adoption of provisions.

SECTION 11. This act shall take effect upon its passage.

Approved March 22, 1898.

AN ACT RELATIVE TO INQUESTS AND FEES IN DISTRICT, POLICE AND MUNICIPAL COURTS.

Chap. 204

Be it enacted, etc., as follows:

SECTION 1. Officers serving subpoenas or other processes in connection with inquests held by district, police and municipal courts, shall be paid their fees and expenses as in criminal cases, the same to be paid by the county and in the same manner as the fees of witnesses are paid in criminal cases in said courts.

Fees of officers serving certain processes.

SECTION 2. When an inquest is to be held by any such court the justice may appoint any officer authorized by law to serve criminal process, to investigate the case and to summon the witnesses, and may allow the officer so appointed such additional compensation therefor as said justice may deem proper, the same to be paid in the same manner as the fees and expenses of such officer are paid.

Officer may be appointed to investigate in certain cases, etc.

SECTION 3. In district, police and municipal courts there shall be no fee in civil actions for taxing costs or for a writ of execution, except the fee for an alias or renewed execution, which shall be as the statute now provides.

Fees in certain civil actions.

SECTION 4. The fees of witnesses in a prosecution for the violation of a by-law of a city or town shall be paid by the county, and in the same manner as in other criminal cases.

Fees of witnesses in certain cases.

SECTION 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved March 22, 1898.

Chap.205 AN ACT RELATIVE TO FINES AND FORFEITURES UNDER THE LAWS
FOR THE PROTECTION OF FISH AND GAME.

Be it enacted, etc., as follows :

1890, 390, § 3,
amended.

SECTION 1. Section three of chapter three hundred and ninety of the acts of the year eighteen hundred and ninety is hereby amended by inserting after the word “to”, in the second line, the words : — such of, — and by inserting after the word “commissioners”, in the third line, the words : — as receive compensation from the Commonwealth, — so as to read as follows : — *Section 3.* All moieties of fines and forfeitures from prosecutions, which may accrue to such of the deputies appointed by said commissioners as receive compensation from the Commonwealth, shall be paid into the treasury of the Commonwealth.

Moieties of
fines, etc., to be
paid into the
treasury.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1898.

Chap.206 AN ACT TO AUTHORIZE COUNTY TREASURERS TO REFUND CERTAIN
MONEYS.

Be it enacted, etc., as follows :

Entrance fee to
be refunded to
applicants for
admission to
bar in certain
cases.

SECTION 1. The treasurers of the several counties are hereby authorized to refund to any applicant whose petition for admission to the bar was dismissed because of the passage of chapter five hundred and eight of the acts of the year eighteen hundred and ninety-seven, entitled “An Act to establish a state board of bar examiners”, the entrance fee paid to the court where such petition was filed, upon the certificate of the clerk of said court that such petition was so filed and dismissed : *provided*, such applicant has since filed a new petition in accordance with the provisions of said chapter.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1898.

Chap.207 AN ACT TO INCORPORATE KNOLLWOOD CEMETERY.

Be it enacted, etc., as follows :

Knollwood
Cemetery incor-
porated.

SECTION 1. Frank H. Ricker, Alfred Mudge, Oscar M. Chandler, Walter Reed and Daniel W. Hyde, their associates and successors, are hereby made a corporation

by the name of Knollwood Cemetery, for the purpose of purchasing, holding, managing and perpetuating a place for the burial of the dead, partly within the limits of the town of Sharon and partly within the limits of the town of Canton, subject to the approval of a majority of the legal voters of each of said towns present and voting thereon at legal meetings called for that purpose: *pro-* Proviso.
vided, that such burial place shall not be located south of a line drawn east and west from a point one half mile north of the present pumping station in said town of Sharon; and said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities contained in all general laws which now are or may hereafter be in force relating to such corporations, except as hereinafter provided.

SECTION 2. Said corporation may purchase, acquire, receive and hold such real estate in said towns, and may also hold personal property to an amount not exceeding one hundred thousand dollars in addition to any amounts which may be held by it under the provisions of section five of this act. May acquire, etc., certain real and personal estate.

SECTION 3. Said corporation may agree with a person or persons from whom any lands are purchased for a cemetery, to pay therefor a specified share not exceeding one half of the proceeds of all sales of the use of lots and plats made from such land, and such share shall be first applied to the payment of such purchase money, and the residue thereof shall be applied to the preservation, improvement and embellishment of the cemetery grounds and to the incidental expenses of the association. Where lands have been so purchased and are to be paid for as provided in this section the prices for the use of lots and plats fixed by the directors and in force when such purchase was made shall not be decreased while the purchase price remains unpaid, without the written consent of a majority in interest of the person or persons from whom the lands were purchased, their heirs, representatives or assigns. Payment for lands purchased for a cemetery, etc.

SECTION 4. All persons who shall become proprietors of lots or plats in any lands acquired by said corporation, shall be and become members of said corporation, and whenever any person shall cease to be a proprietor of a lot or plat in the lands of said corporation such person shall cease to be a member thereof. Membership.

Grants, be-
quests, etc.

SECTION 5. Said corporation is hereby authorized to take and hold any grant, donation or bequest of property upon trust, to apply the same or the income thereof for the improvement, embellishment or enlargement of said cemetery, or for the erection, repair, preservation or removal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner or form consistent with the purposes for which said corporation is established, according to the terms of such grant, donation or bequest; and whenever any such grant, donation or bequest, or any deposit of money, shall be made by the proprietor of any lot or plat in said cemetery for the annual repair, preservation or embellishment of such lot and the erections thereon, said corporation may give to such proprietor or to his or her representative an agreement or obligation, in such form and upon such conditions as it may establish, binding such corporation and its successors to preserve and keep in repair said lot or plat forever, or for such period as may be agreed upon.

Officers, sale of
lots, etc.

SECTION 6. Said corporation may by its by-laws provide for such officers as may be necessary, and may also provide for the care and management of the cemetery and for the sale and conveyance of the use of lots and plats therein and for the care and management of any funds which it may hold for the benefit and care of said cemetery, and for any other matters incident to the proper management of said corporation.

To keep maps,
records, etc.

SECTION 7. Said corporation shall make and keep maps and accurate records of all lots or graves in said cemetery, and records of all persons interred therein, sufficiently definite to identify each person interred therein and the location of the place of such interment. Said maps and records shall at all proper times be subject to the examination of persons having an interest therein. The corporation shall make an annual report to its lot proprietors of the progress of work and of the condition of its affairs.

To make an
annual report.

SECTION 8. This act shall take effect upon its passage.

Approved March 23, 1898.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF CONSTABLES IN CITIES.

Chap. 208

Be it enacted, etc., as follows:

SECTION 1. In every city which accepts the provisions of this act in the manner herein provided constables shall be appointed by the mayor and aldermen.

Appointment of constables in certain cities.

SECTION 2. This act shall take effect in any city in which it is accepted by vote of the city council thereof or of such board as has the powers of a city council.

When to take effect.

Approved March 23, 1898.

AN ACT RELATIVE TO THE CONSTRUCTION OF BUILDINGS IN THE CITY OF BOSTON.

Chap. 209

Be it enacted, etc., as follows:

SECTION 1. Section thirty-six of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two, as amended by section one of chapter four hundred and sixteen of the acts of the year eighteen hundred and ninety-six, is hereby amended by striking out the word "forty-five", in the eighth line, and inserting in place thereof the word:—fifty-five,—so as to read as follows:— *Section 36.* The external and party walls above the foundation of dwelling houses of the first or second class, hereafter built, not over twenty feet wide, or thirty-three feet high, or forty feet deep, shall be not less than eight inches thick. For such buildings exceeding said dimensions and not over twenty-three feet wide, or thirty-six feet high, or fifty-five feet deep, external walls shall be not less than eight inches thick and party walls shall be not less than twelve inches thick. In case such buildings are to be used for store purposes the external walls thereof to the top of the second floor timbers shall be not less than twelve inches thick. The external and party walls of dwellings of the first or second class hereafter built over thirty-six feet, but not over sixty feet high, shall be not less than twelve inches thick. Such walls of such dwellings sixty feet or over, but not over seventy feet high, shall be sixteen inches to the height of the top of the second floor, and twelve inches for the remaining height. Such walls of such dwellings seventy feet or over, but not over eighty feet high, shall be twenty inches to the top of the second floor, sixteen inches to the top of

1892, 419, § 36, etc., amended.

External and party walls of dwelling houses.

the upper floor, and to within fifteen feet of the roof, and twelve inches the remaining height. Such walls of such dwellings of eighty feet or more in height shall have for the upper eighty feet the thickness required for buildings between seventy and eighty feet in height, and every section of twenty-five feet or part thereof below such upper eighty feet shall have a thickness of four inches more than is required for the section next above it.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1898.

Chap. 210 AN ACT RELATIVE TO THE PLOTTING AND LAYING OUT OF STREETS
IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Street commis-
sioners may
make new
plans, etc., for
the laying out
of highways in
Boston, etc.

SECTION 1. The board of street commissioners of the city of Boston from time to time after public notice and hearing, and with the approval of the mayor, may make a new plan or plans, to take the place of any plan that has been made by the board of survey of said city, or that has been or may hereafter be made by the board of street commissioners of said city under authority of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one or acts in amendment thereof or in addition thereto, or under any other authority, and may make changes on any plan or plans that have been or that may hereafter be made as aforesaid, or on any plan or plans that may hereafter be made as aforesaid to take the place of any plan aforesaid; and the last plan so made, or the plan with the changes last made thereon, being filed in the office of the city engineer of said city, shall be the plan in accordance with which all highways within the territory shown on such plan shall be laid out, located anew, altered or widened, or constructed under the provisions of said chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof or in addition thereto. All highways in said city shall hereafter be laid out, located anew, altered, widened, constructed or discontinued only under the provisions of said acts, of this act, or of special acts authorizing the same.

SECTION 2. Section one of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and ninety-four is amended by striking out in the twenty-

third line, the words, "not lower than city of Boston grade seventeen", so as to read as follows: — *Section 1.* The board of street commissioners of the city of Boston, when it lays out and constructs Boylston street between Back Bay Fens and Brookline avenue in said city, shall do so under the provisions of chapter three hundred and thirty-nine of the acts of the year eighteen hundred and ninety-three, and when it lays out and constructs any other way in that part of said city bounded by said Back Bay Fens, Brookline avenue and the Boston and Albany railroad, shall do so under the provisions of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in addition thereto or in amendment thereof, and according to the directions and widths shown on the plan marked "Back Bay Lands, Pierre Humbert, Jr., City Surveyor, April 10, 1894", on file in the office of the city surveyors of said city, but may at any time at its discretion lay out and construct any way less than thirty feet in width in a different location and of a different width than as shown on said plan. Said board may, under the provisions of said acts and of this act, lay out and construct as public ways any and all the ways shown on said plan according to the directions and widths shown thereon, and on such grades as said board shall deem that the public necessity and convenience require.

Laying out of public ways in the city of Boston.

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1898.

AN ACT TO INCORPORATE THE FRANKLIN CEMETERY ASSOCIATION.

Be it enacted, etc., as follows:

Chap. 211

SECTION 1. Joseph G. Ray, William F. Ray, Adelbert D. Thayer, Herbert W. Thayer and Austin B. Fletcher, their associates and successors, are hereby made a corporation by the name of The Franklin Cemetery Association, for the purpose of acquiring, holding, managing and perpetuating a place for the burial of the dead in the town of Franklin, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to similar corporations.

The Franklin Cemetery Association incorporated.

SECTION 2. Said corporation may purchase, acquire, receive and hold so much of the real estate in said town

May acquire, etc., certain real and personal estate.

of Franklin now held by the said town as is now included within the limits of the old cemetery, commonly called Franklin cemetery, and also all the real estate now held by the Franklin Cemetery Association, a corporation existing under and by virtue of the laws of the Commonwealth, and may also purchase, acquire, receive and hold additional real and personal estate to an amount not exceeding in value one hundred thousand dollars, to be applied to objects connected with and appropriate to the purpose of said organization, in addition to any amount which may be held by it under the provisions of section six of this act.

Town of Franklin may convey certain real estate, etc., to corporation.

SECTION 3. The town of Franklin is hereby authorized, whenever said cemetery association shall be duly organized, to release and convey to the said corporation, and said corporation may receive upon such terms as may be agreed upon, so much of the real estate now held by the town as is within the said old cemetery, and may transfer to said corporation any trust fund held by said town by bequest or otherwise, for the care and benefit of any lot or lots in said Franklin cemetery: *provided*, such release, conveyance and transfer are authorized by a vote of the town at a meeting duly called for the purpose.

Proviso.

Franklin Cemetery Association may convey certain real estate to corporation.

SECTION 4. The said Franklin Cemetery Association is hereby authorized, whenever said The Franklin Cemetery Association shall be duly organized, to release and convey to said corporation, for such consideration and upon such terms as may be agreed upon, by a deed executed by the president and secretary of said Franklin Cemetery Association in its behalf, all the real estate now owned by said Franklin Cemetery Association: *provided*, that a majority of the stockholders of said Franklin Cemetery Association present and voting shall vote so to do at a meeting duly called for that purpose.

Proviso.

Membership.

SECTION 5. All persons who shall become proprietors of lots in any lands acquired by said corporation, and all persons who shall be proprietors of lots, whether by deed or otherwise, in the real estate mentioned in section two of this act, at the time when the releases and conveyances therein authorized are made to said corporation, shall be and become members of said corporation, and whenever any person shall cease to be a proprietor of a lot in the lands of said corporation he shall cease to be a member thereof.

SECTION 6. Said The Franklin Cemetery Association is hereby authorized to take and hold any grant, devise, donation or bequest of property upon trust, to apply the same or the income thereof for the care, improvement, embellishment or enlargement of said cemetery, or for the erection, repair, preservation or removal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner or form consistent with the purposes for which said corporation is established, according to the terms of such grant, devise, donation or bequest; and whenever any such grant, donation, devise or bequest, or any deposit of money, shall be made by the proprietor of any lot in said cemetery for the perpetual or annual repair, preservation or embellishment of such lot and the erections thereon, the said corporation may give to such proprietor or his representatives an agreement or obligation, in such form and upon such conditions as it may establish, binding such corporation and its successors to preserve and keep in repair said lot forever, or for such period as may be agreed upon.

Grants, devises,
etc.

SECTION 7. Said corporation may by its by-laws provide for such officers as may be necessary, and may also provide for the care and management of the cemetery and for the sale and conveyance of lots therein, and for the care and management of any funds which it may hold for the benefit and care of said cemetery, and for any other matters incident to the proper management of the corporation.

Officers, sale of
lots, etc.

SECTION 8. This act shall take effect upon its passage.

Approved March 23, 1898.

AN ACT TO INCORPORATE THE BRAINTREE FIRST PARISH CEMETERY ASSOCIATION.

Chap. 212

Be it enacted, etc., as follows:

SECTION 1. Asa French, Eben Denton, Sarah H. Thayer, Susanna N. Thayer, Mary F. White and Susan M. Sherman, their associates and successors, are hereby made a corporation by the name of the Braintree First Parish Cemetery Association, for the purpose of caring for the burial place belonging to the first parish in the town of Braintree, situated immediately in front of the

Braintree First
Parish Ceme-
tery Association
incorporated.

meeting-house of said parish, together with the cemetery contiguous to and in the rear of the same.

Organization.

SECTION 2. At the first meeting of said corporation the incorporators may organize by the choice of a temporary chairman and clerk, may adopt by-laws and may proceed at such meeting, or at a subsequent meeting notified in accordance with the by-laws, to the permanent organization of the corporation.

May exercise certain powers, etc.

SECTION 3. Said corporation may exercise the powers of cemetery corporations organized under general law over said burial place and cemetery, subject to the rights of said parish in said burial place, and of any person or persons claiming an estate or interest in said cemetery.

May hold real and personal estate.

SECTION 4. Said corporation may take, hold and manage any real and personal estate given, granted, devised or bequeathed to it, not exceeding the sum of five thousand dollars, for the perpetual care, improvement and preservation of said burial place and cemetery.

SECTION 5. This act shall take effect upon its passage.

Approved March 23, 1898.

Chap. 213 AN ACT RELATIVE TO THE ADMISSION OF SANE VOLUNTARY PATIENTS TO THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Be it enacted, etc., as follows:

Persons unable to pay for their support in Massachusetts hospital for epileptics may petition for approval of application for admission.

SECTION 1. Any person desiring to be admitted to the Massachusetts hospital for epileptics under the provisions of section ten of chapter four hundred and eighty-three of the acts of the year eighteen hundred and ninety-five, who is not of sufficient ability to pay the charges for his support in said hospital, and who has no person or kindred bound by law to maintain him, of sufficient ability to pay such charges, may apply by petition to any judge qualified to commit insane persons, asking for the approval of his application for admission as hereinafter provided. No such person shall be admitted to said hospital except in accordance with the provisions of this act.

Written application to trustees to accompany petition.

SECTION 2. Such petition shall be accompanied by a written application to the trustees of said hospital for admission thereto, signed by the petitioner and sworn to by him, setting forth his place of residence and, to the best of his knowledge, his place of settlement, and also stating that he is an epileptic and that neither he nor any person bound by law to maintain him is of sufficient ability to pay the charges for his support.

SECTION 3. The petitioner shall give notice in writing to the overseers of the poor of the place where he resides of his intention to bring such petition, except that in the city of Boston such notice shall be given to the commissioners of public institutions.

Petitioner to give written notice to overseers of the poor.

SECTION 4. The hearing on such petition shall be at such time and place as the judge shall appoint. If upon such hearing the judge finds that the petitioner is subject to epilepsy and is eligible for admission to the said hospital, that his mental condition is not such as to render it legal to grant a certificate of insanity in his case; that neither he nor any person bound by law to maintain him is of sufficient ability to pay the charges for his support in such hospital, and that notice has been given as provided in the preceding section, the judge may approve said application for admission. A certificate reciting said findings and approval, signed by the judge, together with certified copies of the application for admission, the notice mentioned in section four of this act, and the certificates hereinafter required, shall be transmitted by the register of probate or clerk of the court to the trustees of said hospital.

Time and place of hearing, etc.

Certificate, etc., to be transmitted to trustees.

SECTION 5. The judge hearing such petition shall not approve the application for admission unless there has been filed with him the certificate of two physicians made as hereinafter provided. No one shall be qualified to make such certificate unless he shall make oath that he is a graduate of a legally chartered medical school or college, that he has been in the actual practice of his profession in this Commonwealth as a physician for at least three years since his said graduation, and for the three years next preceding his making said oath; nor unless he has been duly registered in compliance with the provisions of chapter four hundred and fifty-eight of the acts of the year eighteen hundred and ninety-four and acts in amendment thereof and in addition thereto, and continues to be so registered; nor unless his standing, character, and professional knowledge of epilepsy are satisfactory to such judge. Every such physician shall state in said certificate that, in his opinion, the petitioner is an epileptic and a suitable person to be received in said hospital, and shall specify the facts on which his opinion is founded substantially in accordance with the practice relating to certificates of lunacy.

Physicians' certificate to be filed with judge before application is approved, etc.

Certain provisions of law not affected.

SECTION 6. Nothing herein contained shall be construed to alter the meaning of or repeal any of the provisions of chapter four hundred and eighty-three of the acts of the year eighteen hundred and ninety-five.

Approved March 23, 1898.

Chap. 214 AN ACT TO CHANGE THE NAME OF THE POLICE COURT OF BROOKLINE.

Be it enacted, etc., as follows:

Name changed. The name of the police court of Brookline is hereby changed to the municipal court of Brookline.

Approved March 23, 1898.

Chap. 215 AN ACT TO PROVIDE AN ADDITIONAL OUTLET FOR THE SEWAGE OF THE CITY OF EVERETT.

Be it enacted, etc., as follows:

Metropolitan sewerage commissioners to provide an additional outlet for the sewage of Everett, take certain sewers constructed by Malden, etc.

SECTION 1. The metropolitan sewerage commissioners shall provide an additional outlet for the sewage of the city of Everett and the city of Malden incidentally, and, in acting in behalf of the Commonwealth, shall take by purchase or otherwise, of the city of Malden, the present sewers constructed by said city of Malden, commencing at the metropolitan sewer in Middlesex street and running easterly through Charles street, southerly through Main street, northeasterly through Eastern avenue to the center of Bryant street, southerly through Bryant street to the middle of Cross street in said Malden, and shall pay to the said city of Malden the cost of the construction of the same, and the same shall become and is hereby made a part of the main trunk line of sewers belonging to the metropolitan system; and the metropolitan sewerage commissioners shall at once extend the said sewer to the Everett line by constructing a sewer through Bryant street extension, so-called, in said Malden, to the Everett line, which also is hereby made a part of the aforesaid main trunk line of sewers; and the city of Everett shall have the right, under the direction of the metropolitan sewerage commissioners, to connect its system of sewers with said main trunk line of sewers; and the said city of Malden shall have the right to maintain and make house connections with the said main sewers and connect lateral sewers therewith, in the same manner as with the

present sewers of the said city, under the direction of the metropolitan sewerage commissioners: *provided, however,* Proviso. that, for the purpose of assessment and taxation, said main sewers from Middlesex street to the Everett line shall be treated as a local sewer of said Malden, and assessments or annual rates shall be made therefor by said city of Malden according to such scheme or plan as may be now in operation or as may be adopted by said city for its local sewers, and such sums as may be assessed therefor shall be paid by the treasurer of said city of Malden into the treasury of the Commonwealth and shall be credited to and form a part of the funds known as the Metropolitan Sewerage Loan Fund, authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and acts in amendment thereof.

SECTION 2. In providing said outlet and in receiving sewage from said cities, and in any action in relation thereto, and for the purpose of taking, constructing and maintaining this additional line of sewers to the Everett line said board of sewerage commissioners, acting in behalf of the Commonwealth, shall have and exercise all the authority conferred upon them by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and by acts in amendment thereof regarding the original system or anything relating thereto, and all the provisions of said chapter are hereby made applicable to this additional taking and construction, except as herein otherwise provided. To exercise certain authority, etc.

SECTION 3. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall, with the approval of the governor and council, issue scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding sixty thousand dollars, for a term not exceeding thirty-two years. All the provisions of section three of chapter four hundred and fourteen of the acts of the year eighteen hundred and ninety-six, relative to the indebtedness authorized to be incurred by said chapter, shall apply to the indebtedness authorized by this section, in the same manner as if said provisions had been inserted at length in this act. Treasurer and receiver general to issue scrip, etc.

SECTION 4. The interest and sinking fund requirements of the moneys expended in constructing the main sewers provided for in this act, and the cost of main- Payment of expenses, etc.

tenance thereof, shall be deemed a part of the interest, sinking fund requirements and costs specified in section fifteen of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, and shall be paid as provided for in said section.

SECTION 5. This act shall take effect upon its passage.

Approved March 24, 1898.

Chap.216 AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE DISTRICT COURT OF NORTHERN BERKSHIRE.

Be it enacted, etc., as follows:

Justice of
district court
of Northern
Berkshire.

SECTION 1. The salary of the justice of the district court of northern Berkshire shall be eighteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1898.

Chap.217 AN ACT RELATIVE TO THE ELECTION AND POWERS OF THE COUNTY COMMISSIONERS FOR THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows:

1893, 417, § 179,
etc., amended.

SECTION 1. Section one hundred and seventy-nine of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three, as amended by section nine of chapter four hundred and sixty-nine of the acts of the year eighteen hundred and ninety-six, is hereby amended by striking out in the twenty-sixth line, the words "county of Suffolk", and inserting in place thereof the words:—city of Boston,—and by striking out in the twenty-ninth line, the words "the city of Chelsea and", so as to read as follows:—*Section 179.* The city or town clerk of every city and town shall, within ten days, and in the city of Boston the board of election commissioners shall, within fifteen days from the day of any election therein for representative in congress, governor, lieutenant governor, councillor, secretary, treasurer and receiver general, auditor, attorney-general, clerk of courts, register of probate and insolvency, sheriff, district attorney, or senator, or for electors of president and vice president of the United States, transmit to the secretary of the Commonwealth copies of the records of the votes for such officers, which copies shall be certified by

Returns of votes
to secretary of
the Common-
wealth.

the board of aldermen or the selectmen, or by said board of election commissioners, as the case may be, and shall be attested and sealed by the clerk, or by said board of election commissioners. The city or town clerk of every city and town shall, in like manner, within ten days after an election therein for county treasurer or register of deeds, transmit to the county commissioners of the county for which such officers are to be chosen, copies of the records of the votes for such officers, certified, attested and sealed as aforesaid; and shall within ten days after an election therein for county commissioner or special commissioners, transmit to the clerk of the courts for the county the records of the votes for such officers, so certified, attested and sealed; except that the records of the votes cast in the city of Boston for register of deeds shall be transmitted by said board of election commissioners to the board of aldermen of the city of Boston, and the records of the votes cast in the towns of Revere and Winthrop in said county, for county commissioner and special commissioners, shall be transmitted to the clerk of the courts for the county of Middlesex.

Returns of votes to county commissioners and clerks of courts.

Returns of votes in county of Suffolk.

The city and town clerks and said board shall transmit all such copies of the records of votes in envelopes, upon the outside of which they shall specify the offices for which the votes were cast, and, in case officers are elected for divisions of the Commonwealth, the divisions in which the votes are cast.

To be transmitted in envelopes properly endorsed.

SECTION 2. Section two hundred and fifty-five of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out in the third line, the words "and of the city of Chelsea", by striking out in the fifth line, the word "city", by striking out in the eleventh line, the words "and of the city of Chelsea", and by striking out in the thirteenth line, the word "city", so as to read as follows:—*Section 255.* At the annual state election in each year there shall be chosen by the voters of the county of Middlesex and the towns of Revere and Winthrop, one county commissioner for said county and towns, and by the voters of each of the other counties, except the counties of Suffolk and Nantucket, one county commissioner for the county.

1893, 417, § 255, amended.

County commissioners.

At the annual state election in the year eighteen hundred and ninety-five, and in every third year thereafter,

Special commissioners.

there shall likewise be chosen by the voters of the county of Middlesex and the towns of Revere and Winthrop, two special commissioners for said county and towns, and by the voters of each of the other counties, except the counties of Suffolk and Nantucket, two special commissioners for the county.

Not more than one commissioner from same city or town.

Not more than one of the county commissioners and special commissioners shall be chosen from the same city or town. If at any election two persons residing within the same city or town shall receive a plurality of votes, whereby otherwise one would be elected a county commissioner and the other a special commissioner, or both would be elected to either office, the one only who receives the larger number of votes shall be deemed and taken to be elected; but if both shall receive an equal number of votes, neither of them shall be deemed and taken to be elected. If a person, residing in a city or town in which a county commissioner or a special commissioner who is to remain in office also resides, shall receive a plurality of votes, whereby he otherwise would be elected, he shall not be deemed and taken to be elected. If the person receiving the highest number of votes for county commissioner or special commissioner is taken not to be elected, by reason of the above provisions, the person receiving the next highest number of votes for the office, residing in another city or town, shall be taken to be elected to the office, except that in case two persons residing in the same city or town receive an equal number of votes for the same office and are taken not to be elected, then no person shall be taken to be elected to the office.

Number of county commissioners.

P. S. 22, § 30, amended.

There shall be three county commissioners in each county, except the counties of Suffolk and Nantucket.

SECTION 3. Section thirty of chapter twenty-two of the Public Statutes is hereby amended by inserting in the second line, after the word "Boston", the words:—and the aldermen of the city of Chelsea,—by striking out in the third line, the words "said city", and inserting in place thereof the words:—their respective cities,—by striking out in the seventh line, the words "the city of Chelsea and", and by striking out in the eleventh line, the word "three", and inserting in place thereof the word:—five,—so as to read as follows:—*Section 30.* In the county of Suffolk the aldermen of the city of Boston and the aldermen of the city of Chelsea shall, except where

Special provisions for Suffolk county.

other provision is made, have like powers and perform like duties within their respective cities as are exercised and performed by the county commissioners of other counties; and the county commissioners for the county of Middlesex shall, except where other provision is made, have like powers and perform like duties within the towns of Revere and Winthrop as are exercised and performed by them in their own county; and when performing duties which relate to said places, they shall be paid therefor by said places, or by either of them, in such proportions as the commissioners may direct, at the rate of five dollars a day and five cents a mile travel for each commissioner attending in the case.

SECTION 4. This act shall take effect upon its passage.

Approved March 24, 1898.

AN ACT TO DETERMINE THE TIMES AND PLACES OF HOLDING PROBATE COURTS FOR THE COUNTY OF FRANKLIN.

Chap. 218

Be it enacted, etc., as follows:

SECTION 1. Probate courts shall be held in each year for the county of Franklin, at Greenfield, on the first Tuesday of each month except November, the second Tuesday of January, April and November, and the fourth Tuesday of each month except August; at Orange, on the second Tuesday of March, June, September and December; at Shelburne Falls, on the second Tuesday of February, May and October; at Northfield, on the third Tuesday of May and September; and at Conway, on the third Tuesday of June.

Times and places of holding probate courts for Franklin county.

SECTION 2. Chapter forty-six of the acts of the year eighteen hundred and eighty-seven, and so much of section forty-eight of chapter one hundred and fifty-six of the Public Statutes as relates to holding probate courts for the county of Franklin, are hereby repealed.

Repeal.

SECTION 3. This act shall take effect on the first day of April in the year eighteen hundred and ninety-eight.

To take effect April 1, 1898.

Approved March 24, 1898.

AN ACT TO PROVIDE FOR AN ADDITIONAL CLERK IN THE OFFICE OF THE CHIEF OF THE DISTRICT POLICE.

Chap. 219

Be it enacted, etc., as follows:

SECTION 1. The chief of the district police may appoint in his office an additional clerk for service in the boiler

Additional clerk in office of chief of district police.

inspection department of the district police, at a salary of six hundred dollars a year, the said sum to be paid out of the proceeds of the fees received for examinations of applicants for licenses as engineers and for inspections of boilers.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1898.

Chap.220 AN ACT TO EXTEND THE CHARTER OF THE BARNSTABLE COUNTY STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

1896, 468, § 8,
amended.

Section eight of chapter four hundred and sixty-eight of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the words "July in the year eighteen hundred and ninety-eight", in the fourth and fifth lines, and inserting in place thereof the words: — October in the year eighteen hundred and ninety-nine, — so as to read as follows: — *Section 8.* The provisions of this act shall become void so far as relates to the rights of said company, if it shall not have constructed and put in operation at least five miles of railway prior to the first day of October in the year eighteen hundred and ninety-nine.

Time extended.

Approved March 24, 1898.

Chap.221 AN ACT TO AUTHORIZE THE CITY OF MEDFORD TO MAKE AN ADDITIONAL PUBLIC BUILDING LOAN.

Be it enacted, etc., as follows:

Medford Public
Building Loan,
Act of 1898.

SECTION 1. The city of Medford, for the purpose of erecting schoolhouses and engine houses, may incur indebtedness to an amount not exceeding one hundred and twenty-five thousand dollars in addition to the amount heretofore authorized by law to be incurred by said city for building purposes; and may from time to time, by a vote passed in the manner provided by section seven of chapter twenty-nine of the Public Statutes, issue and sell bonds or scrip therefor. Said bonds or scrip shall be designated on the face thereof, Medford Public Building Loan, Act of 1898, shall be signed by the mayor and treasurer and countersigned by the auditor of said city, shall be payable in periods not exceeding twenty years from the date of issue, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually: *provided*, that the whole amount of such bonds

Proviso.

or scrip issued by said city, together with the bonds or scrip heretofore authorized to be issued by said city for the same purposes, shall not in any event exceed the amount of three hundred and seventy-five thousand dollars.

SECTION 2. The provisions of section two of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three shall apply to the indebtedness authorized by this act and to the bonds or scrip issued under the authority hereof.

Certain provisions of law to apply.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1898.

AN ACT TO PROVIDE FOR ENLARGING AND IMPROVING THE WATER SUPPLY OF THE TOWN OF HUDSON.

Chap. 222

Be it enacted, etc., as follows:

SECTION 1. The town of Hudson may enlarge and improve its system of water supply, established under the provisions of chapter one hundred and forty-nine of the acts of the year eighteen hundred and eighty-three, for the purposes therein named, and to effect said enlargement and improvement may take and hold in fee, by purchase or otherwise, land in the town of Berlin situate on Fosgate brook, so-called, a stream north from Gates pond in said Berlin, together with the water and water rights belonging to said brook or tributary thereto, may erect a dam on and across said brook, and by a pipe or aqueduct may conduct the water of said brook into said Gates pond, the water supply of said town of Hudson. For the purpose of laying said pipe or aqueduct the town of Hudson may take and hold as aforesaid land for such use.

May take certain land, water rights, etc.

SECTION 2. In case said town of Hudson fails to secure the lands, water and water rights connected therewith, specified in the preceding section, by purchase, and the same are taken by right of eminent domain, then the provisions of sections three and four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and eighty-three shall apply to and govern the taking thereof and the payment of the damages occasioned thereby.

In case lands, etc., are taken by right of eminent domain certain provisions of law to apply.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1898.

Chap. 223 AN ACT TO AUTHORIZE THE MANSFIELD WATER SUPPLY DISTRICT
TO FURNISH ELECTRICITY FOR LIGHT AND POWER.

Be it enacted, etc., as follows:

The Mansfield
Water Supply
District may
furnish elec-
tricity for light
and power.

SECTION 1. The Mansfield Water Supply District in the town of Mansfield is hereby authorized to establish an electric plant and to manufacture and sell electricity for light and power to the inhabitants of said town and for public uses within said town, with all the powers and privileges and subject to all the duties, restrictions and liabilities of towns authorized to manufacture and sell electricity for light and power, so far as the same may be applicable to said water supply district and not inconsistent with the provisions of this act.

Mansfield
Electric Loan.

SECTION 2. Said district, in order to meet the expenses of establishing an electric plant as aforesaid, may issue bonds, notes or certificates of debt, to be denominated on the face thereof, Mansfield Electric Loan, to an amount not exceeding fifteen thousand dollars. Said bonds, notes or certificates of debt shall be issued upon the same terms and conditions, and with the same powers, as are provided in chapter three hundred and thirty-six of the acts of the year eighteen hundred and eighty-six for the issue of the Mansfield water loan.

Powers and
duties of
officers.

SECTION 3. The officers of said water supply district or such other officers as said district may from time to time determine, subject to such orders, rules and regulations not inconsistent with law as said district may prescribe shall, so far as is consistent with the provisions of this act, have and exercise all the powers and be subject to all the duties of the officer provided for in section eight of chapter three hundred and seventy of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof and in addition thereto.

When to take
effect.

SECTION 4. This act shall take effect upon its passage, but shall not become operative until it has been accepted by a vote of two thirds of the voters present and voting at each of two legal meetings of said water supply district duly called for the purpose, of which meetings the second shall be held at an interval of not less than two nor more than thirteen months after the first. At said meetings said vote shall be taken by written or printed ballot and by use of the check list. When such a vote

has failed of passage at the second of said meetings, as hereinbefore provided, no similar vote shall be passed until after the expiration of two years.

Approved March 25, 1898.

AN ACT TO INCORPORATE THE OAKLAND CEMETERY ASSOCIATION. *Chap. 224*
Be it enacted, etc., as follows:

SECTION 1. Seth Mann, second, Royal T. Mann, Edwin M. Mann, M. Frank Mann, Luther H. Bump, Soriano M. Jones, George H. Eddy, George A. Poole, Joshua Hunt and Albert M. Alden, their associates and successors, are hereby made a corporation by the name of the Oakland Cemetery Association, for the purpose of acquiring, holding, managing and perpetuating a place for the burial of the dead in that part of the town of Randolph known as West Corner, with all the powers and privileges and subject to all the duties, restrictions and liabilities contained in the general laws which now are or hereafter may be in force relating to similar corporations.

Oakland
Cemetery
Association
incorporated.

SECTION 2. Said corporation is hereby authorized to take possession and assume legal control of the burying ground situated in Randolph and known as the West Corner or Oakland Cemetery, but not including the land enclosed in said cemetery and not laid out into burial lots, westerly of the driveway therein and now owned and improved by said Royal T. Mann and Edwin M. Mann; and nothing herein shall affect the individual rights of proprietors in said cemetery.

May take cer-
tain lands, etc.

SECTION 3. Said corporation may acquire by gift, bequest, devise or purchase, so much real and personal property as may be necessary for the objects connected with and appropriate for the purposes of said association.

May acquire
necessary real
and personal
property.

SECTION 4. A majority in number and interest of the proprietors of said cemetery or burial ground present and voting at a meeting legally notified for such purpose may organize said corporation under this act.

Organization.

SECTION 5. All persons who shall become proprietors of lots in any lands acquired by said corporation shall be and become members of said corporation, and whenever any person shall cease to be a proprietor of a lot in the lands of said corporation he shall cease to be a member thereof.

Membership.

Proceeds of sales of lots to be applied to improvement, etc.

SECTION 6. All the net proceeds of the sales of lots in the lands held by said corporation shall be forever devoted and applied to the preservation, improvement, embellishment, protection and enlargement of said cemetery, and to the payment of the incidental expenses thereof, and to no other purpose.

Grants, bequests, etc.

SECTION 7. Said corporation is hereby authorized to take and hold any grant, donation or bequest of property, upon trust, to apply the same or the income thereof for the improvement, embellishment or enlargement of said cemetery, or for the erection, repair, preservation or removal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner or form consistent with the purposes for which said corporation is established, according to the terms of such grant, donation or bequest; and whenever any such grant, donation or bequest, or any deposit of money, shall be made by the proprietor of any lot in said cemetery for the annual repair, preservation or embellishment of such lot and the erections thereon, the said corporation may give to such proprietor or his representative an agreement or obligation, in such form and upon such conditions as it may establish, binding such corporation and its successors to preserve and keep in repair said lot forever, or for such period as may be agreed upon.

Officers, care of cemetery, etc.

SECTION 8. Said corporation may by its by-laws provide for such officers as may be necessary, and may also provide for the care and management of the cemetery and for the sale and conveyance of lots therein, and for the care and management of any funds which it may hold for the benefit and care of said cemetery, and for any other matters incident to the proper management of the corporation.

SECTION 9. This act shall take effect upon its passage.

Approved March 25, 1898.

Chap. 225 AN ACT TO INCORPORATE THE PINE GROVE CEMETERY ASSOCIATION OF WESTBOROUGH.

Be it enacted, etc., as follows:

Pine Grove Cemetery Association of Westborough incorporated.

SECTION 1. Joseph A. Trowbridge, Charles S. Henry, William T. Forbes, Edwin B. Harvey, Emory L. Wood, Melvin H. Walker, John A. Fayerweather, Joshua E. Beeman, John W. Fairbanks, George O. Brigham, Alden

L. Boynton, Harrison M. Brigham, Lydia Wilson, Sarah I. Potter, Lucius R. Bates and Lyman A. Belknap, their associates and successors, are hereby made a corporation by the name of the Pine Grove Cemetery Association of Westborough, for the purpose of acquiring, controlling, caring for and improving grounds set apart and known as Pine Grove Cemetery, situated and lying within one enclosure in the town of Westborough, and said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities contained in all general laws which now are or may hereafter be in force relating to such corporations, except as hereinafter provided.

SECTION 2. Said corporation is hereby authorized to take possession and assume legal control of said cemetery, and said town of Westborough is hereby authorized to transfer and convey to said corporation, upon such terms as may be agreed upon, all the right, title and interest which it has in the lands which have been purchased and set apart for said cemetery, and in all other estate, property, rights and things appertaining thereto which the said town now has or is entitled to have, and in and to all moneys standing to the credit of said cemetery, and all other trust funds relating to said cemetery: *provided*, that a majority of the legal voters of said town present and voting thereon shall vote so to do at a meeting duly called for that purpose. Said corporation shall hold the said property, estate and rights for the same uses and purposes and charged with the same duties and liabilities for and subject to which the same are now held by the town of Westborough; and all rights which any persons have acquired in said cemetery shall remain valid to the same extent as if this act had not been passed.

Corporation may take possession of cemetery, etc.

Proviso.

SECTION 3. Any person who is now or may hereafter become a proprietor of a lot, by deed or otherwise, in the land mentioned in section one of this act, or in land hereafter acquired by said corporation, shall become a member of said corporation by applying to the trustees herein-after mentioned and receiving a deed or certificate of such lot from said corporation; and when any person shall cease to be a proprietor of a lot in the lands of said corporation he shall cease to be a member thereof.

Membership.

SECTION 4. Said corporation may acquire by gift, devise or purchase, and hold in fee, additional land to the extent of twenty acres, for the purpose of enlarging said cemetery from time to time, and may hold so much per-

May acquire additional land, hold personal property, grants, bequests, etc.

sonal property as may be necessary for the objects connected with and appropriate to the purposes of said corporation, and the said corporation is hereby authorized to take and hold any grant, donation or bequest of property upon trust, to apply the same or the income thereof for the improvement or embellishment of said cemetery, or for the construction, repair, preservation or renewal of any monument, fence or other erection, or for planting and cultivating trees, shrubs or plants in or around any lot, or for improving said premises in any other manner or form consistent with the purposes for which said cemetery is established, according to the terms of such grant, donation or bequest; and whenever any such grant, donation or bequest, or any deposit of any money, shall be made by the proprietor of any lot in said cemetery for the annual repair, preservation or embellishment of such lot and the erections thereon, the said corporation may give to such proprietor or his representatives an agreement or obligation in such form and upon such terms and conditions as they may establish, binding themselves and their successors to preserve and keep in repair said lot forever, or for such period as may be agreed upon.

Officers, care of
cemetery, etc.

SECTION 5. Said corporation may by its by-laws provide for such officers as may be necessary, and may also provide for the care and management of the cemetery and for the sale and conveyance of lots therein, and for the care and management of any funds which it may hold for the benefit and care of said cemetery, and for any other matters incident to the proper management of the corporation.

SECTION 6. This act shall take effect upon its passage.

Approved March 25, 1898.

Chap. 226 AN ACT RELATIVE TO BENNINGTON STREET IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Street commis-
sioners may
order the laying
out and con-
struction of
Bennington
street.

SECTION 1. The board of street commissioners of the city of Boston may order the laying out and construction as a part of Bennington street in the East Boston district of said city, of a highway including Bennington street from its junction with Chelsea street in said district to its junction with Walley street, Walley street from its junction with Bennington street to its junction with Leyden street, Leyden street from its junction with

Walley street to its junction with Beachmont avenue, and Beachmont avenue from its junction with Leyden street to Belle Isle Inlet.

SECTION 2. Said highway shall be laid out, constructed and paid for, and the assessable cost incurred in carrying out said order shall be assessed under the provisions, so far as applicable, of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof or in addition thereto, including chapter three hundred and nineteen of the acts of the year eighteen hundred and ninety-seven.

Certain provisions of law to apply.

SECTION 3. This act shall take effect upon its passage.

Approved March 25, 1898.

AN ACT RELATIVE TO THE TIME OF APPOINTMENT AND ASSIGNMENT OF ASSISTANT ASSESSORS IN THE CITY OF BOSTON.

Chap.227

Be it enacted, etc., as follows:

SECTION 1. The assistant assessors of taxes in the city of Boston shall be appointed and assigned to the various assessment districts on or before the tenth day of April in each year.

Assistant assessors in Boston.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1898.

AN ACT RELATIVE TO THE CONSTRUCTION OF SCHOOLHOUSES IN THE CITY OF BOSTON.

Chap.228

Be it enacted, etc., as follows:

SECTION 1. Section twenty-four of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two, as amended by section three of chapter four hundred and thirteen of the acts of the year eighteen hundred and ninety-seven, is hereby amended by striking out in the fifth line, the words "or school-house", and adding at the end of said section the words: — Every permanent building hereafter erected as a school-house within the building limits shall be a first class building, — so as to read as follows: — *Section 24.* Every building hereafter erected over seventy feet in height shall be a first class building, and this provision shall apply to all buildings hereafter increased in height to over seventy feet. Every building hereafter erected or enlarged, or converted to use as a hotel, shall be a first class building,

1892, 419, § 24, etc., amended.

First class buildings.

and every tenement or lodging house hereafter erected shall be a first class building. Every permanent building hereafter erected as a schoolhouse within the building limits shall be a first class building.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1898.

Chap.229 AN ACT TO CHANGE THE NAME OF THE HAVERHILL CITY HOSPITAL.
Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the Haverhill City Hospital, established by chapter seventy-seven of the acts of the year eighteen hundred and eighty, is hereby changed to The Hale Hospital.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1898.

Chap.230 AN ACT RELATIVE TO THE RELIEF OF DESTITUTE SHIPWRECKED SEAMEN.

Be it enacted, etc., as follows:

Relief of desti-
tute ship-
wrecked
seamen by
cities and
towns.

SECTION 1. A city or town may furnish transportation to destitute shipwrecked seamen from one place to another in this Commonwealth, and such other assistance as the authorities of such city or town deem necessary, not exceeding the amount of ten dollars for each person, while awaiting such transportation. A detailed statement of expenses so incurred shall be rendered, and, after approval by the state board of lunacy and charity, such expenses shall be paid out of the treasury of the Commonwealth from the appropriation for the temporary support of state paupers, without reference to such seamen's legal settlement.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1898.

Chap.231 AN ACT TO AUTHORIZE THE TOWN OF STONEHAM TO TAKE LAND FOR A PUBLIC PARK.

Be it enacted, etc., as follows:

Town of Stone-
ham may take
William Street
cemetery for
a public park,
remove remains
of dead, etc.

SECTION 1. The town of Stoneham is hereby authorized to take the land at the junction of William and Pomworth streets in said town, used as a burial ground and known as the William Street cemetery, for a public park or common, and may, subject to the provisions of

section three of this act, remove the remains of the dead and the monuments erected to their memory in said William Street cemetery to lots in Lindenwood cemetery in said town, and shall pay all the costs and expenses incident to the removal of the remains and the re-erection of said monuments; and owners of lots in the William Street cemetery shall be entitled to receive by proper conveyances in exchange therefor burial lots in the Lindenwood cemetery, and in such exchange the relative size, location and value of lots so exchanged, with all improvements, shall be considered.

SECTION 2. Said town shall fix a time for the removal of said remains and monuments, and shall publish notice thereof once each week for three successive weeks in some newspaper published in said town, the last publication thereof to be at least seven days before the time fixed for said removal.

Notice of time fixed for removal of remains to be published.

SECTION 3. Upon a request in writing by any relative or friend of a person whose remains are to be removed said remains may be interred and said monuments erected in any other cemetery, the expense of a new lot and of the removal of such remains, their re-interment and the re-erection of any monument to their memory removed from the William Street cemetery to be borne by the town of Stoneham.

Expense of removal, etc., to be borne by town in certain cases.

SECTION 4. The town of Stoneham at any legal town meeting called for the purpose may raise and appropriate for the purposes of this act a sum not exceeding two thousand dollars.

Town may appropriate a certain sum.

SECTION 5. This act shall take effect upon its acceptance by a majority of the legal voters of said town present and voting thereon at a legal town meeting called for the purpose, or at any annual meeting of said town.

When to take effect.

Approved March 25, 1898.

AN ACT TO ESTABLISH THE BASIS OF APPORTIONMENT FOR STATE AND COUNTY TAXES.

Chap. 232

Be it enacted, etc., as follows:

SECTION 1. The number of polls, the amount of property, and the proportion of every one thousand dollars of state tax, including polls at one tenth of a mill each, for each city and town in the several counties of the Commonwealth, as contained in the following schedule, are hereby

Basis of apportionment for State and county taxes.

established, and shall constitute a basis of apportionment for state and county taxes until another is made and enacted by the legislature, to wit :—

*Polls, Property, and Apportionment of State and County
Tax of \$1,000.*

Barnstable
county.

BARNSTABLE COUNTY.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mil each.
Barnstable,	1,063	\$4,339,361	\$1 49
Bourne,	509	2,255,061	77
Brewster,	251	585,279	21
Chatham,	582	915,686	35
Dennis,	718	1,336,923	50
Eastham,	159	320,470	12
Falmouth,	861	7,632,411	2 53
Harwich,	725	1,206,376	46
Mashpee,	87	193,754	07
Orleans,	314	693,992	25
Provincetown,	1,201	2,003,457	76
Sandwich,	411	988,018	36
Truro,	220	342,335	13
Wellfleet,	261	782,668	28
Yarmouth,	513	1,826,470	64
Total,	7,875	\$25,422,261	\$8 92

Berkshire
county.

BERKSHIRE COUNTY.

Adams,	2,131	\$4,779,792	\$1 74
Alford,	71	191,930	07
Becket,	294	449,167	17
Cheshire,	335	729,280	27
Clarksburg,	268	218,812	10
Dalton,	761	3,148,150	1 08
Egremont,	236	447,119	17
Florida,	127	150,838	06
Great Barrington,	1,533	3,852,168	1 39
Hancock,	128	325,509	12
Hinsdale,	410	680,572	26
Lanesborough,	251	459,283	17
Lee,	993	1,829,860	68
Lenox,	806	3,750,004	1 28
Monterey,	120	229,207	09
Mount Washington,	30	79,282	03

BERKSHIRE COUNTY — CONCLUDED.

Berkshire
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
New Ashford,	36	\$55,210	\$0 02
New Marlborough, . . .	367	516,379	20
North Adams,	5,604	9,092,560	3 47
Otis,	149	202,629	08
Peru,	80	115,377	04
Pittsfield,	5,793	15,712,351	5 61
Richmond,	159	336,922	12
Sandisfield,	214	335,878	13
Savoy,	150	156,611	06
Sheffield,	462	896,364	33
Stockbridge,	508	3,657,595	1 22
Tyringham,	103	212,457	08
Washington,	103	204,655	08
West Stockbridge, . . .	351	467,886	18
Williamstown,	1,149	2,830,756	1 02
Windsor,	138	179,706	07
Total,	23,860	\$56,294,309	\$20 39

BRISTOL COUNTY.

Bristol county.

Acushnet,	277	\$674,307	\$0 24
Attleborough,	2,521	5,735,417	2 09
Berkley,	283	436,526	17
Dartmouth,	887	2,809,749	99
Dighton,	498	846,371	32
Easton,	1,314	5,274,974	1 82
Fairhaven,	1,005	2,482,177	89
Fall River,	25,987	72,563,799	25 82
Freetown,	369	932,797	33
Mansfield,	979	1,915,408	71
New Bedford,	15,467	61,630,957	21 27
North Attleborough, . .	1,731	4,040,430	1 47
Norton,	420	855,117	32
Raynham,	384	876,386	32
Rehoboth,	442	711,511	27
Seekonk,	347	921,425	33
Somerset,	526	1,105,118	41
Swansey,	473	996,850	37
Taunton,	7,700	22,071,419	7 83
Westport,	717	1,674,789	61
Total,	62,327	\$188,555,527	\$66 58

County of
Dukes county.

COUNTY OF DUKES COUNTY.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Chilmark,	109	\$225,838	\$0 08
Cottage City,	277	1,650,928	56
Edgartown,	353	746,165	27
Gay Head,	39	24,826	01
Gosnold,	41	225,628	08
Tisbury,	309	951,748	34
West Tisbury,	148	411,015	15
Total,	1,276	\$4,236,148	\$1 49

Essex county.

ESSEX COUNTY.

Amesbury,	2,720	\$5,417,070	\$2 01
Andover,	1,435	5,424,889	1 88
Beverly,	3,538	15,805,894	5 41
Boxford,	196	987,148	34
Danvers,	2,187	5,195,764	1 88
Essex,	497	1,129,878	41
Georgetown,	609	1,046,032	40
Gloucester,	6,958	16,341,497	5 93
Groveland,	675	987,023	38
Hamilton,	350	1,937,580	65
Haverhill,	10,432	26,085,368	9 39
Ipswich,	1,238	3,211,225	1 15
Lawrence,	15,295	37,327,496	13 47
Lynn,	18,908	52,637,073	18 73
Lynnfield,	236	660,219	23
Manchester,	513	8,700,715	2 84
Marblehead,	2,332	5,922,249	2 13
Merrimac,	709	1,322,155	49
Methuen,	1,720	4,012,682	1 46
Middleton,	230	538,103	20
Nahant,	267	6,557,070	2 12
Newbury,	415	1,135,082	40
Newburyport,	3,867	10,776,450	3 84
North Andover,	1,171	3,634,576	1 28
Peabody,	3,173	8,129,534	2 92
Rockport,	1,238	2,841,577	1 03
Rowley,	390	694,070	26
Salem,	9,860	30,253,233	10 67
Salisbury,	390	658,605	25
Saugus,	1,340	3,398,108	1 22
Swampscott,	945	6,327,670	2 12
Topsfield,	271	811,390	29
Wenham,	257	830,887	29
West Newbury,	473	919,909	34
Total,	94,835	\$271,658,222	\$96 41

FRANKLIN COUNTY.

Franklin
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Ashfield,	283	\$517,658	\$0 19
Bernardston,	225	456,732	17
Buckland,	461	570,536	23
Charlemont,	296	356,051	14
Colrain,	467	607,477	24
Conway,	367	700,329	26
Deerfield,	575	1,344,557	49
Erving,	284	421,191	16
Gill,	242	488,598	18
Greenfield,	2,222	6,363,015	2 26
Hawley,	143	142,648	06
Heath,	128	155,878	06
Leverett,	214	278,087	11
Leyden,	110	296,470	11
Monroe,	109	142,531	06
Montague,	1,738	3,841,901	1 40
New Salem,	217	275,856	11
Northfield,	516	1,036,257	38
Orange,	1,687	3,582,904	1 31
Rowe,	181	192,859	08
Shelburne,	434	940,793	34
Shutesbury,	110	163,658	06
Sunderland,	245	429,555	16
Warwick,	177	349,475	13
Wendell,	154	230,936	09
Whately,	251	471,637	18
Total,	11,836	\$24,357,589	\$8 96

HAMPDEN COUNTY.

Hampden
county.

Agawam,	684	\$1,384,347	\$0 51
Blandford,	226	454,747	17
Brimfield,	269	401,443	16
Chester,	443	654,816	25
Chicopee,	4,644	9,724,947	3 58
East Longmeadow,	546	619,285	25
Granville,	260	360,604	14
Hampden,	202	392,257	15
Holland,	44	85,074	03
Holyoke,	11,160	34,603,251	12 19
Longmeadow,	198	814,825	28
Ludlow,	663	1,287,998	48
Monson,	1,041	1,950,962	73
Montgomery,	75	137,928	05
Palmer,	1,842	2,792,537	1 08

Hampden
county.

HAMPDEN COUNTY — CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Russell,	168	\$479,059	\$0 17
Southwick,	276	525,079	20
Springfield,	16,824	71,948,389	24 71
Tolland,	85	136,811	05
Wales,	236	268,284	11
Westfield,	2,983	8,646,062	3 06
West Springfield,	1,717	4,981,024	1 77
Wilbraham,	397	820,597	30
Total,	44,983	\$143,470,326	\$50 42

Hampshire
county.

HAMPSHIRE COUNTY.

Amherst,	1,126	\$3,313,677	\$1 17
Belchertown,	531	904,870	34
Chesterfield,	171	281,395	11
Cummington,	197	280,318	11
Easthampton,	1,195	2,959,002	1 07
Enfield,	291	842,035	30
Goshen,	81	135,241	05
Granby,	236	467,223	17
Greenwich,	150	257,488	10
Hadley,	540	990,975	37
Hatfield,	455	1,061,993	39
Huntington,	313	507,392	19
Middlefield,	111	235,860	09
Northampton,	4,160	12,226,341	4 33
Pelham,	125	178,279	07
Plainfield,	125	164,270	06
Prescott,	126	162,741	06
South Hadley,	1,090	2,418,194	88
Southampton,	260	487,123	18
Ware,	1,828	4,485,573	1 62
Westhampton,	125	234,512	09
Williamsburg,	502	892,274	34
Worthington,	198	310,882	12
Total,	13,936	\$33,797,658	\$12 21

Middlesex
county.

MIDDLESEX COUNTY.

Acton,	650	\$1,598,713	\$0 58
Arlington,	2,138	8,976,266	3 09
Ashby,	269	499,787	19
Ashland,	531	1,186,428	43
Ayer,	627	1,404,364	51
Bedford,	333	1,065,185	37

MIDDLESEX COUNTY — CONCLUDED.

Middlesex
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Belmont,	883	\$4,815,982	\$1 63
Billerica,	658	2,245,819	78
Boxborough,	91	230,031	08
Burlington,	181	505,129	18
Cambridge,	24,407	92,791,563	32 13
Carlisle,	149	341,940	12
Chelmsford,	1,031	2,390,499	87
Concord,	1,246	4,570,808	1 59
Dracut,	691	2,037,333	72
Dunstable,	129	309,580	11
Everett,	5,974	15,065,406	5 42
Frammingham,	2,787	9,801,863	3 42
Groton,	527	3,135,694	1 06
Holliston,	857	1,630,079	61
Hopkinton,	843	1,916,689	70
Hudson,	1,633	3,194,578	1 19
Lexington,	1,071	5,063,424	1 73
Lincoln,	312	2,039,607	68
Littleton,	360	920,769	33
Lowell,	24,571	75,080,698	26 48
Malden,	9,124	29,849,388	10 46
Marlborough,	4,173	9,311,129	3 40
Maynard,	955	2,204,751	80
Medford,	4,706	19,391,980	6 68
Melrose,	3,673	12,693,425	4 43
Natick,	2,841	6,049,652	2 22
Newton,	9,353	59,103,233	19 85
North Reading,	255	518,612	19
Pepperell,	1,022	2,185,270	80
Reading,	1,405	4,307,987	1 52
Sherborn,	286	809,283	29
Shirley,	380	784,070	29
Somerville,	15,808	51,475,670	18 05
Stoneham,	1,972	4,945,050	1 78
Stow,	304	698,497	25
Sudbury,	368	1,211,110	42
Tewksbury,	572	1,658,424	59
Townsend,	514	1,175,310	43
Tyngsborough,	198	419,894	15
Wakefield,	2,498	7,479,667	2 64
Waltham,	5,971	19,627,274	6 88
Watertown,	2,398	10,282,882	3 53
Wayland,	599	1,686,851	60
Westford,	682	1,456,856	53
Weston,	520	4,343,414	1 44
Wilmington,	423	1,029,997	37
Winchester,	1,762	7,968,162	2 73
Woburn,	4,089	10,582,137	3 80
Total,	149,800	\$516,068,209	\$180 12

Nantucket
county.

NANTUCKET COUNTY.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Nantucket,	892	\$3,363,420	\$1 17
Total,	892	\$3,363,420	\$1 17

Norfolk county.

NORFOLK COUNTY.

Avon,	484	\$816,451	\$0 31
Bellingham,	393	740,708	28
Braintree,	1,532	4,962,885	1 74
Brookline,	4,774	74,251,728	24 24
Canton,	1,288	4,662,237	1 62
Cohasset,	635	6,267,226	2 07
Dedham,	1,843	8,717,015	2 97
Dover,	183	1,111,197	37
Foxborough,	886	1,988,351	72
Franklin,	1,233	3,205,729	1 15
Holbrook,	680	1,398,588	52
Hyde Park,	3,075	9,729,118	3 42
Medfield,	540	1,485,960	53
Medway,	756	1,431,065	53
Millis,	242	743,100	26
Milton,	1,604	22,192,943	7 26
Needham,	1,126	3,352,763	1 19
Norfolk,	244	524,521	19
Norwood,	1,422	3,817,386	1 36
Quincy,	6,031	18,945,036	6 67
Randolph,	1,195	2,247,571	84
Sharon,	465	1,945,091	67
Stoughton,	1,474	3,110,123	1 14
Walpole,	916	2,422,812	87
Wellesley,	956	8,225,469	2 73
Westwood,	271	1,088,589	38
Weymouth,	3,356	7,119,022	2 61
Wrentham,	715	1,520,456	56
Total,	38,319	\$198,023,140	\$67 20

Plymouth
county.

PLYMOUTH COUNTY.

Abington,	1,276	\$2,396,979	\$0 89
Bridgewater,	1,138	2,575,071	94
Brockton,	10,688	26,349,813	9 50

PLYMOUTH COUNTY — CONCLUDED.

Plymouth
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Carver,	251	\$915,673	\$0 32
Duxbury,	568	1,686,608	60
East Bridgewater,	863	1,567,928	59
Halifax,	146	273,206	10
Hanover,	612	1,453,823	53
Hanson,	390	688,110	26
Hingham,	1,240	4,751,429	1 64
Hull,	329	3,766,018	1 24
Kingston,	516	1,723,561	60
Lakeville,	262	548,244	20
Marion,	248	1,062,538	36
Marshfield,	510	1,464,422	52
Mattapoisett,	272	1,741,909	58
Middleborough,	1,921	4,197,688	1 54
Norwell,	474	1,025,816	38
Pembroke,	368	646,658	24
Plymouth,	2,440	7,458,074	2 63
Plympton,	160	323,566	12
Rochester,	253	520,274	19
Rockland,	1,660	3,085,708	1 15
Scituate,	657	2,500,847	87
Wareham,	754	2,346,429	83
West Bridgewater,	427	1,046,602	38
Whitman,	1,857	3,738,588	1 38
Total,	30,280	\$79,855,582	\$28 58

SUFFOLK COUNTY.

Suffolk county.

Boston,	154,654	\$1,069,723,585	\$357 78
Chelsea,	9,394	23,673,450	8 51
Revere,	2,478	9,494,957	3 29
Winthrop,	1,260	6,142,687	2 09
Total,	167,786	\$1,109,034,679	\$371 67

WORCESTER COUNTY.

Worcester
county.

Ashburnham,	491	\$1,047,597	\$0 38
Athol,	2,126	4,114,592	1 53
Auburn,	368	569,116	22
Barre,	615	1,526,714	55

Worcester
county.

WORCESTER COUNTY — CONTINUED.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Berlin,	276	\$490,128	\$0 18
Blackstone,	1,395	2,649,680	99
Bolton,	232	478,130	18
Boylston,	212	545,613	20
Brookfield,	922	1,465,059	56
Charlton,	582	941,488	36
Clinton,	3,336	7,246,372	2 65
Dana,	210	312,381	12
Douglas,	543	1,071,691	40
Dudley,	721	1,063,674	41
Fitchburg,	8,373	23,440,098	8 34
Gardner,	2,993	5,110,238	1 93
Grafton,	1,240	2,509,446	93
Hardwick,	700	1,612,390	59
Harvard,	330	1,054,954	37
Holden,	659	1,190,605	45
Hopedale,	514	3,929,418	1 31
Hubbardston,	373	662,884	25
Lancaster,	574	3,327,930	1 12
Leicester,	914	2,567,288	91
Leominster,	2,993	6,785,001	2 47
Lunenburg,	350	778,685	28
Mendon,	264	567,785	21
Milford,	3,125	5,610,982	2 11
Millbury,	1,225	2,300,648	86
New Braintree,	179	424,848	15
North Brookfield,	1,349	2,025,487	78
Northborough,	556	1,336,679	48
Northbridge,	1,745	4,143,509	1 50
Oakham,	199	309,397	12
Oxford,	747	1,377,468	52
Paxton,	141	286,755	11
Petersham,	258	658,662	24
Phillipston,	136	271,968	10
Princeton,	309	904,778	32
Royalston,	245	561,904	20
Rutland,	297	556,109	21
Shrewsbury,	423	1,098,513	39
Southborough,	532	1,882,308	66
Southbridge,	1,467	4,508,568	1 59
Spencer,	1,893	4,248,675	1 55
Sterling,	401	883,924	32
Sturbridge,	447	925,961	34
Sutton,	725	1,290,833	49
Templeton,	974	1,380,796	54
Upton,	578	1,068,710	40
Uxbridge,	1,099	2,314,301	85
Warren,	1,034	2,561,622	92

WORCESTER COUNTY — CONCLUDED.

Worcester
county.

TOWNS.	Polls.	Property.	Tax of \$1,000, includ'g Polls at one tenth of a mill each.
Webster,	1,968	\$4,027,535	\$1 49
West Boylston,	780	1,232,015	47
West Brookfield,	372	805,947	30
Westborough,	1,600	2,955,571	1 11
Westminster,	382	724,598	27
Winchendon,	1,486	2,441,944	93
Worcester,	30,676	108,119,569	37 67
Total,	89,654	\$240,299,541	\$85 88

RECAPITULATION.

Recapitulation.

Barnstable,	7,875	\$25,422,261	\$8 92
Berkshire,	23,860	56,294,309	20 39
Bristol,	62,327	188,555,527	66 58
Dukes County,	1,276	4,236,148	1 49
Essex,	94,835	271,658,222	96 41
Franklin,	11,836	24,357,589	8 96
Hampden,	44,983	143,470,326	50 42
Hampshire,	13,936	33,797,658	12 21
Middlesex,	149,800	516,068,209	180 12
Nantucket,	892	3,363,420	1 17
Norfolk,	38,319	198,023,140	67 20
Plymouth,	30,280	79,855,582	28 58
Suffolk,	167,786	1,109,034,679	371 67
Worcester,	89,654	240,299,541	85 88
Total,	737,659	\$2,894,436,611	\$1,000 00

SECTION 2. This act shall take effect upon its passage.
Approved March 25, 1898.

AN ACT TO AUTHORIZE THE BOSTON CO-OPERATIVE BUILDING COM-
PANY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 233

Be it enacted, etc., as follows:

SECTION 1. The Boston Co-operative Building Com-
pany is hereby authorized to hold for the purposes of
its incorporation real and personal estate to the amount
of five hundred thousand dollars.

May hold addi-
tional real and
personal estate.

SECTION 2. This act shall take effect upon its passage.
Approved March 25, 1898.

Chap.234 AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF HAMPDEN.

Be it enacted, etc., as follows :

Assistant register may be appointed.

SECTION 1. The judge of probate and insolvency for the county of Hampden may appoint an assistant register of probate and insolvency for said county, who may be a woman, who shall be subject to the provisions of law applicable to assistant registers of probate and insolvency and who shall receive an annual salary of one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1898.

Chap.235 AN ACT TO EQUALIZE THE SALARIES OF THE ASSISTANT DISTRICT ATTORNEYS FOR THE SUFFOLK DISTRICT.

Be it enacted, etc., as follows :

Second assistant district attorney for Suffolk district.

SECTION 1. The salary of the second assistant district attorney for the Suffolk district shall be the same as that received by the first assistant district attorney for said district, and shall be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1898.

Chap.236 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO COMPLETE BLUE HILL AVENUE AND OTHER AVENUES IN SAID CITY.

Be it enacted, etc., as follows :

1895, 334, § 1, amended.

SECTION 1. Section one of chapter three hundred and thirty-four of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out the words "two million five hundred thousand dollars", in the eleventh line, and inserting in place thereof the words : — three million two hundred and fifty thousand dollars, — also by adding at the end of said section the words : — The proceeds of said bonds may be applied as herein-after provided, and also to meet the expense incurred in extending or constructing any of said avenues under any of the acts aforesaid, or by any other authority ; and so much as may be necessary of two hundred and fifty thousand dollars of the proceeds of the said bonds shall

be used in completing Commonwealth avenue prior to the year nineteen hundred, — so as to read as follows: — *Section 1.* The city treasurer of the city of Boston, to pay the expenses incurred in laying out or constructing Blue Hill avenue, Columbus avenue, Commonwealth avenue and Huntington avenue, in said city, heretofore laid out by the board of street commissioners of said city under the authority of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof and in addition thereto, or under other special acts, shall from time to time issue and sell negotiable bonds of said city to an amount not exceeding three million two hundred and fifty thousand dollars. The proceeds of said bonds may be applied as hereinafter provided, and also to meet the expense incurred in extending or constructing any of said avenues under any of the acts aforesaid, or by any other authority; and so much as may be necessary of two hundred and fifty thousand dollars of the proceeds of the said bonds shall be used in completing Commonwealth avenue prior to the year nineteen hundred.

To issue bonds for construction of certain avenues, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1898.

AN ACT RELATIVE TO THE APPOINTMENT OF PARK COMMISSIONERS
FOR THE CITY OF NEW BEDFORD.

Chap. 237

Be it enacted, etc., as follows:

SECTION 1. The board of park commissioners of the city of New Bedford shall hereafter be appointed under the provisions of the general laws of the Commonwealth.

Appointment of park commissioners of city of New Bedford.

SECTION 2. So much of section three of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and eighty-nine, and of acts in amendment thereof and in addition thereto, as confers upon the board of public works of the city of New Bedford any right, power or duty in relation to public parks, commons and public squares in said city, is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1898.

AN ACT RELATIVE TO CLERICAL ASSISTANCE FOR CLERKS OF COURTS.

Chap. 238

Be it enacted, etc., as follows:

SECTION 1. Section thirty-three of chapter one hundred and fifty-nine of the Public Statutes is hereby

P. S. 159, § 33, amended.

Clerical assist-
ance for clerks
of courts.

amended by adding at the end thereof the words:— who may be assistants appointed by the clerks under the provisions of section nine of this chapter,—so as to read as follows:— *Section 33.* Clerks shall be allowed for extra clerical assistance, upon their certificates that the work was actually performed and was necessary, with the time occupied and the names of the persons by whom the work was performed, such sums as the county commissioners by a writing signed by them, or in Suffolk county the board of aldermen by vote, approve. Said sums shall be paid from the county treasury monthly to the person or persons employed, who may be assistants appointed by the clerks under the provisions of section nine of this chapter.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1898.

Chap.239 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE COMMISSIONERS ON INLAND FISHERIES AND GAME.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit:—

Commissioners
on inland
fisheries and
game.

For compensation and expenses of the commissioners on inland fisheries and game, a sum not exceeding thirty-five hundred dollars.

Propagation
and distribution
of fish, etc.

For the enforcement of laws, propagation and distribution of fish, running expenses, rent and maintenance of hatcheries, incidentals, printing and contingent expenses, and the propagation and protection of birds and animals, a sum not exceeding seventy-five hundred dollars.

Stocking great
ponds.

For expenses of stocking great ponds with food fish, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1898.

Chap.240 AN ACT RELATIVE TO SENTENCES TO THE STATE PRISON.

Be it enacted, etc., as follows:

1895, 504, § 2,
amended.

SECTION 1. Section two of chapter five hundred and four of the acts of the year eighteen hundred and ninety-

five is hereby amended by striking out the words “the governor and council”, in the ninth and tenth lines, and inserting in place thereof the words :— a majority of the members of the board of commissioners of prisons, — so as to read as follows :— *Section 2.* At any time after the expiration of the minimum term for which a convict may be held in the said prison under a sentence imposed as aforesaid, the commissioners of prisons may issue to him a permit to be at liberty therefrom, upon such terms and conditions as they shall deem best, and they may revoke said permit at any time previous to the expiration of the maximum term for which he may be held under said sentence. No such permit shall be issued without the approval of a majority of the members of the board of commissioners of prisons, nor unless said commissioners shall be of the opinion that the person to whom it is issued will lead an orderly life if set at liberty. The violation by the holder of a permit issued as aforesaid of any of the terms or conditions thereof, or the violation of any law of this Commonwealth, shall of itself make void such permit.

Permit to be at liberty may issue to convicts in certain cases.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1898.

AN ACT TO EXTEND THE POWERS OF THE ONSET WATER COMPANY.

Chap. 241

Be it enacted, etc., as follows :

SECTION 1. The Onset Water Company is hereby authorized to increase its capital stock to an amount which, together with the amount heretofore authorized, shall not exceed in the aggregate fifty thousand dollars, and to issue additional bonds to an amount not exceeding said capital stock actually paid in, and to secure said bonds by a mortgage of its franchise and property : *provided, however,* that such increase of capital stock and issue of bonds shall be subject to the provisions of chapter four hundred and seventy-two of the acts of the year eighteen hundred and ninety-four and all acts in amendment thereof and in addition thereto.

May increase capital stock, issue additional bonds, etc.

Proviso.

SECTION 2. Said corporation is hereby authorized to lay and maintain pipes in any and all parts of the town of Wareham, in addition to that portion of said town described in the act of incorporation of said company, and is authorized to supply and distribute water to the inhabitants of said town for the extinguishment of fires

May lay pipes and distribute water in Wareham.

and for domestic and other purposes, in the same manner and with the same rights and subject to the same liabilities as if the authority to make such extension of pipes and to supply water to such additional territory had been included in the grant contained in its charter.

May hold additional real estate.

SECTION 3. Said corporation, for the purposes set forth in its charter as amended by this act, may hold real estate to an amount which, together with the amount heretofore authorized, shall not exceed in the aggregate fifteen thousand dollars in value.

To become void under certain conditions.

SECTION 4. This act shall take effect upon its passage, but shall become null and void unless said corporation shall lay within two years not less than two and one half miles of pipe, of a diameter of not less than eight inches, in that part of the town of Wareham not described in the act of incorporation of said Onset Water Company.

Approved March 29, 1898.

Chap. 242 AN ACT TO CHANGE A PART OF THE BOUNDARY LINE BETWEEN THE CITIES OF BOSTON AND NEWTON.

Be it enacted, etc., as follows:

Boundary line between Boston and Newton changed.

SECTION 1. The boundary line between the city of Boston and the city of Newton, between a point at the intersection of the present boundary line and the northerly side of Commonwealth avenue and a point forming the boundary line of said cities about thirty feet north of the reservoir driveway, is changed so that the part of said boundary line between said points shall be as follows:—Beginning at said point of intersection at a stone boundary monument marked B. and N. standing in the northerly line of Commonwealth avenue, thence turning and running southerly, two hundred and ninety-eight and seventy-nine one hundredths feet to a stone monument marked B. and N. standing near and north of the Chestnut Hill driveway, at a corner in said boundary line; thence turning and running southwesterly by the division line between land of the said city of Boston and land now or late of the heirs of Daniel H. Knowles, four hundred and eighty-two and seventy-three one hundredths feet to a stone monument marked B. and N. standing in a cross wall of said Chestnut Hill driveway, said wall being on the division line between land now or late of said heirs of Daniel H. Knowles and land now or formerly belong-

ing to Amos A. Lawrence. Said new boundary line is shown by a red line upon a plan marked "Plan showing a proposed change in the boundary line between Boston and Newton, Massachusetts, William Jackson, city engineer of Boston, January 31, 1898", on file in the office of the secretary of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1898.

AN ACT TO CHANGE A PART OF THE BOUNDARY LINE BETWEEN THE CITIES OF BOSTON AND CAMBRIDGE. Chap. 243

Be it enacted, etc., as follows:

The boundary line between the city of Boston and the city of Cambridge is hereby changed so that a part of said boundary line shall be as follows: — Beginning at a point in the present boundary line in Charles river, twelve hundred and thirty feet from the northwesterly line of Beacon street, measured at right angles thereto, and about three hundred and forty feet southwest from the southwesterly line of Harvard bridge; thence running northeasterly by a line parallel with and twelve hundred and thirty feet from the northwesterly line of Beacon street, about four thousand six hundred and ninety feet; thence running northerly by a line parallel with and one thousand feet west from the present harbor line south of West Boston bridge, two thousand one hundred and ten feet; thence running northerly by an irregular line, about two hundred feet to a point in the present boundary line. Said new boundary line is shown by a red line upon a plan marked "Plan showing a proposed change in the boundary line in Charles river between Boston and Cambridge, Massachusetts, William Jackson, city engineer of Boston, January 31, 1898", on file in the office of the secretary of the Commonwealth.

Boundary line between Boston and Cambridge changed.

Approved March 29, 1898.

AN ACT RELATIVE TO THE CONSTRUCTION OF A SCHOOL BUILDING ON LAND OF THE COMMONWEALTH IN THE CITY OF FITCHBURG. Chap. 244

Be it enacted, etc., as follows:

SECTION 1. The city of Fitchburg may, with the consent of the state board of education, construct a school building for the use of the public schools of said city, on

May construct a school building on land of the Commonwealth.

the land belonging to the Commonwealth connected with the normal school in said city.

Certain terms, etc., may be imposed.

SECTION 2. In granting such permission said board may impose such terms and conditions as to the location, occupancy and removal of such school building, as in their judgment the interests of the Commonwealth require.

May contract for heating and lighting.
Proviso.

SECTION 3. Said board may contract with said city upon such terms as shall be deemed expedient, for the heating and lighting of said school building: *provided, however*, that any agreement entered into shall be approved by the attorney-general, and shall not in any case involve any expense to the Commonwealth, either for plant or for service.

Approved March 29, 1898.

Chap.245 AN ACT TO AUTHORIZE THE BOSTON PNEUMATIC TRANSIT COMPANY TO LAY ITS TUBES ACROSS FORT POINT CHANNEL AND CHARLES RIVER.

Be it enacted, etc., as follows:

May lay tubes across Fort Point channel and Charles River, etc.

SECTION 1. The Boston Pneumatic Transit Company is hereby authorized to lay and maintain its tubes and such structures and apparatus as may be necessary to cover and carry the same across Fort Point channel, under and by the side of Dover Street bridge in the city of Boston, and also across the Charles river, under and by the side of Harvard bridge and Warren bridge over said river, subject to the provisions of chapter nineteen of the Public Statutes and of all acts in amendment thereof and in addition thereto.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1898.

Chap.246 AN ACT RELATIVE TO DISABLED FIREMEN IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1873, 258, § 1, amended.

SECTION 1. Section one of chapter two hundred and fifty-eight of the acts of the year eighteen hundred and seventy-three is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 1.* The city of Boston may expend for the relief of firemen disabled in the service of the city any sum not exceeding three thousand dollars annually, in addition to the sums which may be paid for pensions.

Relief of disabled firemen.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1898.

AN ACT RELATIVE TO CO-OPERATIVE BANKS.

Chap.247

Be it enacted, etc., as follows:

SECTION 1. The secretary and treasurer of every co-operative bank shall file with the board of commissioners of savings banks an attested copy of his bond, with a certificate of the custodian of the bond that the original is in his possession. Such officers shall notify said board of any change thereafter made in their bonds. If any such officer fails, within ten days from the date thereof, to file a copy of his bond or to notify the board of any change therein, as required by this act, he shall be liable to a penalty of fifty dollars. The board shall keep a record showing when said bonds expire, and the changes so notified; and, whenever in its judgment it is necessary for the security of the shareholders, shall require a new bond in such amount and with such sureties as said board may approve. The secretary and treasurer of every such corporation shall give a new bond as often as once in five years.

Bonds of certain officers of co-operative banks.

SECTION 2. Section nineteen of chapter one hundred and seventeen of the Public Statutes is hereby amended by striking out the whole of said section and inserting in place thereof the following:— *Section 19.* Any such corporation may purchase at any sale, public or private, any real estate upon which it may have a mortgage, judgment, lien or other incumbrance, or in which it may have an interest, and may sell, convey or lease the real estate so purchased, and, on the sale thereof, may take a mortgage in common form thereon to secure the payment of the whole or part of the purchase money. All real estate so acquired shall be sold within five years from the acquisition of the title thereto: *provided, however,* that the board of commissioners of savings banks may, upon the petition of the security committee of any such corporation and for good cause shown, grant an additional time for the sale of the same.

P. S. 117, § 19, amended.

Corporation may purchase and sell real estate.

Proviso.

SECTION 3. Section nine of chapter one hundred and seventeen of the Public Statutes, as amended by section one of chapter two hundred and fifty-one of the acts of the year eighteen hundred and eighty-two, and by section five of chapter two hundred and sixteen of the acts of the year eighteen hundred and eighty-seven, is hereby amended by striking out the whole of said section and

P. S. 117, § 9, etc., amended.

Payment of
matured shares.

Provisos.

inserting in place thereof the following:— *Section 9.* When each unpledged share of a given series reaches the value of two hundred dollars all payments of dues thereon shall cease, and the holder thereof shall be paid out of the funds of the corporation two hundred dollars: *provided*, that at no time shall more than one half of the funds in the treasury be applicable to the payment of such matured shares without the consent of the directors; and *provided, further*, that when any series of shares, either pledged or unpledged, reaches maturity between the dates of adjustment of profits, or whenever shares are retired between such dates, the holders of such shares shall, in addition to the value thereof, be entitled to interest for all full months from the date of the preceding adjustment to the time of payment, at the rate at which profits were distributed at said adjustment, and that before paying matured shares all arrears and fines shall be deducted.

To take effect
April 30, 1898.

SECTION 4. This act shall take effect on the thirtieth day of April in the year eighteen hundred and ninety-eight.

Approved March 29, 1898.

Chap. 248 AN ACT RELATIVE TO THE UNION STATION FOR PASSENGERS ON RAILROADS ENTERING THE SOUTHERLY PART OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Treasurer of
city of Boston
may issue
bonds, notes or
scrip, etc.

SECTION 1. For the purpose of paying any expenses incurred by the city of Boston in carrying out the provisions of chapter five hundred and sixteen of the acts of the year eighteen hundred and ninety-six, and of chapter three hundred and eighty-eight of the acts of the year eighteen hundred and ninety-seven, the city treasurer of said city is hereby authorized, on the request of the mayor, to issue and sell notes, bonds or scrip of said city, to run for such terms, not exceeding five years, as said treasurer shall determine, to an amount not exceeding seven hundred and fifty thousand dollars, of which an amount not less than two hundred and fifty thousand dollars shall be issued only for the purpose of paying expenses incurred under the provisions of chapter three hundred and eighty-eight of the acts of the year eighteen hundred and ninety-seven, in addition to the notes, bonds or scrip already authorized to be issued for such purpose,

and such additional notes, bonds or scrip shall be inside of the debt limit of said city.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1898.

AN ACT TO PROVIDE FOR REMOVING OR PLACING UNDERGROUND CERTAIN WIRES AND ELECTRICAL APPLIANCES IN THE CITY OF BOSTON.

Chap. 249

Be it enacted, etc., as follows:

SECTION 1. In the month of January in the year nineteen hundred and in the month of January in each year thereafter, to and including the year nineteen hundred and nine, the commissioner of wires in the city of Boston shall prescribe and give public notice thereof as required in section two of chapter four hundred and fifty-four of the acts of the year eighteen hundred and ninety-four, not more than two miles of streets, avenues or highways in said city outside of the section of said city described in said section two, within which portions of streets, avenues or highways all wires, cables and conductors, except feed and return wires of street railways placed or carried in or upon subways, tunnels or elevated railroad structures, and except such other wires as are also excepted in said chapter four hundred and fifty-four, shall be during that calendar year removed or placed underground, and said commissioner shall cause the owners or users of such wires, cables and conductors to remove or place them underground, and also to remove any poles or structures in such prescribed portions of said streets, avenues or highways used to support such wires, cables or conductors, except when, in the judgment of said commissioner, it is impracticable or inexpedient to remove any such wires, cables, conductors, poles or structures. Said commissioner of wires may at any time after the passage of this act, upon application of any person, firm or corporation duly authorized by law at the time of the passage of this act to lay or erect and maintain, and maintaining wires in the streets next hereinafter referred to, grant permits for the removal of any wires, cables, conductors, poles or structures in any of the streets of said city, and the placing of the same and any other necessary wires, cables and conductors or any extensions thereof underground, as hereinafter provided; and the portions of streets, avenues and high-

Certain wires, etc., to be removed or placed underground.

Certain wires,
etc., to be
removed or
placed
underground.

ways outside of the section of said city described in said section two from which wires, cables, conductors, poles or structures shall be removed in accordance with any such permit or permits shall be reckoned and considered as a part of the twenty miles of streets from which the wires, cables, conductors, poles and structures are to be taken down or removed prior to the first day of January in the year nineteen hundred and ten, pursuant to the requirements of this act; it being the purpose and intent of this act to cause the removal from twenty miles in length of the public streets, avenues and highways of said city outside of said section prior to the first day of January in the year nineteen hundred and ten, of all such wires, cables and conductors not herein excepted, and all poles or structures not herein excepted used for the support of such wires, cables or conductors, whenever, in the judgment of said commissioner, the same is practicable and expedient. It shall be the duty of said commissioner and he shall have the authority to grant permission to such owners or users of wires, cables, conductors, poles or structures to be taken down or removed as aforesaid as are at the time duly authorized by law to lay or erect and maintain wires as aforesaid, to lay the underground conduits required to accommodate the wires so removed from overhead, and any other necessary wires, cables or conductors or any extensions thereof, under any of the streets, avenues, highways, water courses or tide waters within said city, subject however in the case of water courses or tide waters to the provisions of chapter nineteen of the Public Statutes and acts in amendment thereof and in addition thereto. The superintendent of streets of said city shall issue all permits for opening and occupying the streets of said city which may be necessary to carry out the intent of this act, upon application of said commissioner.

Certain provisions of law
to apply.

SECTION 2. All the terms, conditions, provisions, requirements, restrictions and exemptions of chapter four hundred and fifty-four of the acts of the year eighteen hundred and ninety-four not inconsistent herewith are hereby extended to and made a part of this act, and this act shall not be construed to affect said act of the year eighteen hundred and ninety-four except to extend the same to the additional work herein provided for.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1898.

AN ACT TO INCLUDE THE TOWN OF READING WITHIN THE JUDICIAL DISTRICT OF THE FOURTH DISTRICT COURT OF EASTERN MIDDLESEX.

Chap. 250

Be it enacted, etc., as follows:

SECTION 1. The town of Reading shall not hereafter be included in the judicial district of the first district court of eastern Middlesex, but is hereby annexed to and made a part of the judicial district under the jurisdiction of the fourth district court of eastern Middlesex: *provided, however*, that nothing in this act shall affect any suit or other proceedings pending at the time of its taking effect.

Annexed to judicial district of fourth district court of eastern Middlesex.

Proviso.

SECTION 2. This act shall take effect upon the first day of July in the year eighteen hundred and ninety-eight.

Approved March 29, 1898.

AN ACT TO CHANGE A PART OF THE BOUNDARY LINE BETWEEN THE CITY OF BOSTON AND THE TOWN OF HYDE PARK.

Chap. 251

Be it enacted, etc., as follows:

SECTION 1. A part of the boundary line between the city of Boston and the town of Hyde Park southerly of and partly in Ashland street in said city and town is hereby changed so that said line shall run as follows: — Beginning at a stone monument marked B. and H.P. in the present boundary line one hundred and twenty-five feet southwest from the southwesterly line of said Ashland street, thence continuing northwesterly parallel with and one hundred and twenty-five feet from the southwesterly line of said Ashland street, about six hundred and seventy-five feet to a stone monument marked B. and H.P.; thence continuing northwesterly parallel with and one hundred and twenty-five feet from the southwesterly line of said Ashland street, about two hundred and sixty-three feet, to a stone monument marked B. and H.P. standing in the present boundary line about one hundred and twenty-six feet from the present southwesterly line of said Ashland street; thence turning and running southwesterly to a stone monument marked B. and H.P. standing on the northwesterly side of Hyde Park avenue. Said new boundary line is shown by a red line upon a plan marked “Plan showing a proposed change in the boundary line between Boston and Hyde

Boundary line between Boston and Hyde Park changed.

Park, Massachusetts, William Jackson, city engineer of Boston, January 31, 1898", on file in the office of the secretary of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1898.

Chap. 252 AN ACT RELATIVE TO THE PAYMENT OF ASSESSMENTS FOR THE LAYING OUT AND CONSTRUCTION OF HIGHWAYS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1891, 323, § 16,
etc., amended.

SECTION 1. Section sixteen of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one, as amended by section nine of chapter four hundred and eighteen of the acts of the year eighteen hundred and ninety-two, is hereby amended by striking out lines nine to seventeen, inclusive, and inserting in place thereof the words:—of the completion of the work done under the aforesaid order of said street commissioners, as determined by said commissioners, at the rate of five per cent. per annum, the board of assessors of said city shall include a sum equal to nine per cent. of such amount in the next and succeeding annual tax bills issued for the tax on said parcel, and in the tax bills issued the first year shall also include interest on the whole of said amount at the rate of five per cent. per annum from the date of the completion of the work, determined as aforesaid, to the last day of October of, — so as to read as follows:— *Section 16.* If the amount of the aforesaid assessable cost for which any parcel of land aforesaid is liable, determined as provided in section fifteen, is not paid before the expiration of one year from the date of said determination, or if such amount as found by the court, on an appeal or other suit or proceeding, is not paid before the last day of May next succeeding the finding of the court, in each case with interest from the date of the completion of the work done under the aforesaid order of said street commissioners, as determined by said commissioners, at the rate of five per cent. per annum, the board of assessors of said city shall include a sum equal to nine per cent. of such amount in the next and succeeding annual tax bills issued for the tax on said parcel, and in the tax bills issued the first year shall also include interest on the whole of said amount at the rate of five per cent. per annum from the date of the

Payment of
assessments for
the laying out,
etc., of high-
ways in the city
of Boston.

completion of the work, determined as aforesaid, to the last day of October of the year of the date of such tax bill, and in the tax bills for each succeeding year shall include one year's interest on the whole of said amount at the aforesaid rate, and shall so include such sums and interest until ten such sums with interest have been paid; said board shall issue tax bills for such sums for any parcels for which no tax bill would otherwise be issued. Every such sum in a tax bill shall be abated, collected and paid into the city treasury, as if a part of and in the same manner as the city taxes.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1898.

AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE TO ACQUIRE AND LAY OUT CERTAIN LAND FOR A PUBLIC PARK.

Chap. 253

Be it enacted, etc., as follows:

SECTION 1. The city of Somerville, by its city council, may at any time within three years after the passage of this act take from time to time, by gift, upon such conditions as said city council may deem advisable, or by purchase or otherwise, and hold in fee or otherwise and maintain for the purpose of a public park, the land or any portion or portions thereof situated in said city and bounded as follows:—Northeasterly by Munroe street, seven hundred and eighty and sixteen one hundredths feet; southeasterly by land now or formerly of Charles H. North, one hundred and thirty-nine and five one hundredths feet; southwesterly seven hundred and forty-nine feet by certain parcels of land belonging respectively in the order named and beginning with the most easterly of said parcels, now or formerly to Mary C. Clark, Francis S. Brown and Charles Wood, Herbert E. Gustin, Julia L. Gustin, Artemas C. Richardson, William C. Richardson, Artemas C. Richardson, Philip Eberle, John W. Vinal, Louise M. and George C. Ellis, Belvin T. Williston, heirs of William C. High, Mary F. Brooks, Catherine Lord; northwesterly by land now or formerly of Elbridge G. Park one hundred and thirty-two feet, and containing about two and five one hundredths acres.

May take certain land for a public park, etc.

SECTION 2. The said city shall, within sixty days after the taking of any lands as aforesaid, otherwise than by purchase or gift, file and cause to be recorded in the

Description of land, etc., to be recorded.

registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, which statement shall be signed by the mayor, and the title of all lands so taken shall vest in the city of Somerville in fee.

Damages.

SECTION 3. The said city shall pay all damages sustained by any person or corporation in property by the taking of any lands or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with the said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of two years from the taking of such land or other property, or the doing of such other injury under the authority of this act.

Appropriations.

SECTION 4. No money shall be appropriated at any time for the taking or purchasing of said land, except by a two thirds vote of each branch of the city council, taken by yeas and nays.

Assessment of betterments, etc.

SECTION 5. At any time within two years after the work of laying out and constructing said park is completed the city council shall have the same authority to determine the value of and to assess upon real estate the amount of betterments accruing to said real estate by the taking of land and the locating, laying out and construction of a park under this act that is conferred by chapter fifty-one of the Public Statutes upon boards of city or town officers authorized to lay out streets or ways, and the provisions of the first eight sections of said chapter shall apply to such assessments by said city council.

To be accepted by city council of Somerville.

SECTION 6. This act, except as provided in the following section, shall not take effect unless accepted by said city of Somerville by a majority vote of each branch of the city council, taken by yeas and nays.

When to take effect.

SECTION 7. So much of this act as authorizes the submission of the question of its acceptance to the city council of said city shall take effect upon its passage; and if duly accepted it shall take full effect on the date of such acceptance.

Approved April 1, 1898.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF ONE ADDITIONAL COURT OFFICER FOR ATTENDANCE UPON THE SEVERAL SESSIONS OF THE MUNICIPAL COURT OF THE CITY OF BOSTON FOR CIVIL BUSINESS.

Chap.254

Be it enacted, etc., as follows :

SECTION 1. The justices of the municipal court of the city of Boston, or a majority of them, shall appoint one additional officer for said court for attendance upon the several sessions of said court for civil business. The officer so appointed shall receive the same salary as the other officers in attendance upon said court for civil business, and shall be subject to all the provisions of chapter four hundred and fifty-seven of the acts of the year eighteen hundred and ninety-five.

Additional court officer to be appointed.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1898.

AN ACT MAKING AN APPROPRIATION FOR CURRENT EXPENSES AT THE MEDFIELD INSANE ASYLUM.

Chap.255

Be it enacted, etc., as follows :

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of current expenses at the Medfield insane asylum during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight.

Medfield insane asylum.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1898.

AN ACT RELATIVE TO THE TRAVELLING EXPENSES OF THE JUSTICE AND CLERK OF THE FIRST DISTRICT COURT OF NORTHERN WORCESTER.

Chap.256

Be it enacted, etc., as follows :

SECTION 1. The justice and clerk of the first district court of Northern Worcester shall each be allowed the sum of one hundred and fifty dollars a year for their travelling expenses incurred and paid by them in the transaction of the business of said court, said sums to be paid from the treasury of the county of Worcester, and to be so allowed from and after the first day of January in the year eighteen hundred and ninety-eight.

Justice and clerk of first district court of Northern Worcester.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1898.

Chap. 257 AN ACT RELATIVE TO SEWERAGE WORKS IN THE CITY OF BOSTON.
Be it enacted, etc., as follows:

1897, 426, § 1,
amended.

Construction,
etc., of sewer-
age works in
the city of Bos-
ton, etc.

SECTION 1. Section one of chapter four hundred and twenty-six of the acts of the year eighteen hundred and ninety-seven is hereby amended by inserting in the tenth line, after the words “determine to be”, the words:—the amount to be used for interest on the bonds issued for sewerage works, and also,—so as to read as follows:—*Section 1.* The city council of the city of Boston shall annually appropriate, to be met by the issue of bonds as hereinafter provided, sums not exceeding one million dollars in any one year, for constructing sewerage works in said city, and shall also appropriate, to be met by the annual charges hereinafter provided for, such sums as the mayor of said city shall deem sufficient for maintaining and operating the sewerage works, and such sums as the city treasurer of said city shall each year determine to be the amount to be used for interest on the bonds issued for sewerage works, and also the amount to be used for the sinking funds for bonds issued for sewerage works, which, with all other amounts so used and their accumulations, will pay all such bonds at maturity; and there shall also be used for said sinking funds all premiums received from the sale of said bonds, and all amounts received for breach of any contract for constructing sewerage works, or for securities deposited as security for making such contracts and declared to be forfeited to the city, or for sales of property. All sewers, drains, pumping stations and other works for the collection or disposal of sewage, or surface or ground water in said city, shall be included in the term “sewerage work”, as used in this act, and no such work shall hereafter be constructed in said city, except under authority of this act, unless the same has been ordered to be constructed before the passage thereof.

1897, 426, § 6,
amended.

SECTION 2. Section six of said chapter four hundred and twenty-six is hereby amended by striking out the words “one million dollars in any one year”, in the sixth and seventh lines, and inserting in place thereof the words:—two million dollars in the aggregate in the period included in the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, and one million dollars in any one year thereafter,—so as to

read as follows:— *Section 6.* The treasurer of said Sewerage Loan. city, to meet the expenses incurred in constructing any sewerage works heretofore or hereafter ordered to be constructed in said city, shall from time to time on the request of said board, approved by the mayor, issue to the total amount appropriated, but not exceeding two million dollars in the aggregate in the period included in the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, and one million dollars in any one year thereafter, bonds of said city, registered or coupon, as said treasurer shall from time to time determine, and the same shall not be considered in determining the limit of indebtedness of said city; said bonds shall have printed on the face thereof the words, Sewerage Loan; shall be countersigned by the mayor and be made payable in terms of thirty years from their date; and shall bear such rates of interest not exceeding four per cent. per annum, payable semi-annually on the first day of January and the first day of July of each year, and be issued and disposed of in such amounts, in such modes, and at such times and prices, as said treasurer with the approval of the mayor shall from time to time determine.

Approved April 1, 1898.

AN ACT RELATIVE TO THE AMOUNT TO BE PAID ANNUALLY BY THE COUNTY OF ESSEX TOWARD THE SUPPORT OF THE LIBRARY AT THE COURT HOUSE IN THE CITY OF LAWRENCE.

Chap. 258

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-seven is hereby amended by striking out the words "the sum of five hundred dollars", in the seventh and eighth lines, and inserting in place thereof the words:— such sum, not exceeding one thousand dollars, as may be necessary for the purpose,—so as to read as follows:—

Section 1. A law library is hereby established at the court house of the county of Essex in the city of Lawrence, for the use of the courts and the citizens, which library shall be under the charge and control of the Lawrence Bar Association; and the county commissioners of said county are hereby authorized to cause to be paid annually to said association from the treasury of said county such sum, not exceeding one thousand dollars,

1897, 367, § 1,
amended.

Support of
law library at
Lawrence.

as may be necessary for the purpose, to be expended by said association in purchasing books for said library.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1898.

Chap.259 AN ACT RELATIVE TO THE PAYMENT OF THE EXPENSES OF MAINTAINING PRISON INDUSTRIES.

Be it enacted, etc., as follows:

Payment of expenses of maintaining prison industries.

Proviso.

SECTION 1. The receipts from the industries maintained in the state prison, the reformatory prison for women, the state farm, and the Massachusetts reformatory, shall be paid into the treasury of the Commonwealth each month; and so much of said receipts as may be needed to pay the expenses of said industries is hereby appropriated for that purpose: *provided*, that payments of said expenses shall be allowed by the auditor only upon schedules duly certified and approved as now required by law, and that the receipts from any one of said institutions shall be applied to paying the bills of that institution only.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1898.

Chap.260 AN ACT TO AUTHORIZE THE LYNN AND BOSTON RAILROAD COMPANY TO OBTAIN A RELOCATION OF ITS TRACKS IN THE HIGHWAY LAID OUT OVER THE SALEM TURNPIKE.

Be it enacted, etc., as follows:

Certain tracks of Lynn and Boston Railroad Company may be relocated.

SECTION 1. The boards of county commissioners of the counties of Essex and Middlesex, upon petitions of the Lynn and Boston Railroad Company, are hereby severally authorized, within their respective jurisdictions, to relocate the tracks of the Lynn and Boston Railroad Company along and over such parts of the highway laid out under the provisions of chapters three hundred and nine and three hundred and thirty-five of the acts of the year eighteen hundred and sixty-eight, as were included between the two termini of said company's tracks in that part of the Salem turnpike along and over which said company's tracks were located by the commissioners appointed by the supreme judicial court for the county of Suffolk under the provisions of section three of chapter two hundred and two of the acts of the year eighteen hundred and fifty-nine, and such relocations, when ac-

cepted by said company by written acceptances filed in the offices of said county commissioners, shall be taken as the true locations of said company's tracks in that part of said highway in which its tracks were originally located by said special commission, and said company, after such acceptance, shall have and enjoy such relocations, in lieu of said original locations, and may construct its tracks thereon, and erect such poles and wires, and in such positions in, over and along said highway, for the operation of its railway by the overhead electric system, as said boards of county commissioners shall designate within their respective jurisdictions.

SECTION 2. The compensation and all expenses of either of said boards incurred in the performance of the duties imposed by this act shall be borne and paid by said railroad company.

Payment of expenses, etc.

SECTION 3. This act shall take effect upon its passage.

Approved April 1, 1898.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF ADDITIONAL MEMBERS OF THE BOILER INSPECTION DEPARTMENT OF THE DISTRICT POLICE.

Chap. 261

Be it enacted, etc., as follows:

SECTION 1. The governor is hereby authorized to appoint four additional members of the boiler inspection department of the district police, qualified to act as examiners of engineers and firemen and as inspectors of boilers, who shall receive an annual salary of fifteen hundred dollars and their actual travelling and necessary expenses.

Additional members of boiler inspection department of district police may be appointed.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1898.

AN ACT RELATIVE TO STONY BROOK IN THE CITY OF BOSTON.

Chap. 262

Be it enacted, etc., as follows:

SECTION 1. The city of Boston may, by its mayor, agree with the Boston Belting Company to deprive, and may thereafter deprive, said Boston Belting Company of its rights in and to the waters of Stony brook in said city and the tributaries thereof, upon such terms and conditions as to compensation in money, or in other supply of water, or upon such other terms and conditions, as they may mutually agree upon, and may refer any and

Boston Belting Company may be deprived of its rights to the waters of Stony brook, etc.

all matters in dispute between said city and said company, arising out of the rights, privileges or acts of either or both of them upon said brook or its tributaries, to such assessors or arbitrators, and upon such terms as they may mutually agree upon.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1898.

Chap.263 AN ACT TO AUTHORIZE THE CITY OF WOBURN TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE CONSTRUCTION OF A HIGH SCHOOL BUILDING.

Be it enacted, etc., as follows:

May incur indebtedness beyond debt limit, issue bonds, etc.

SECTION 1. The city of Woburn, for the purpose of purchasing or acquiring land for the location of a new high school building in said city, and for the purpose of erecting and furnishing such school building, may incur indebtedness to an amount not exceeding one hundred thousand dollars beyond the limit of indebtedness fixed by law, and may from time to time issue bonds, notes or scrip therefor, payable within such period, not exceeding thirty years from the date thereof, and bearing such rate of interest, not exceeding four per cent. per annum, as the city council shall determine.

P. S. 29, etc., to apply.

SECTION 2. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and in addition thereto shall, so far as applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

SECTION 3. This act shall take effect upon its passage.

Approved April 1, 1898.

Chap.264 AN ACT RELATIVE TO RETURNS OF QUALIFICATION OF OFFICERS BY COUNTY COMMISSIONERS.

Be it enacted, etc., as follows:

Returns of qualification to be made to secretary of the Commonwealth.

SECTION 1. County commissioners shall, upon administering the oaths of qualification to officers who are required by law to qualify before them, forthwith make return of such act to the secretary of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1898.

AN ACT RELATIVE TO THE ORGANIZATION OF STATE BOARDS AND COMMISSIONS.

Chap. 265

Be it enacted, etc., as follows:

Each state board and commission shall upon organizing report its organization to the office of the secretary of the Commonwealth.

Organization to be reported to secretary of the Commonwealth.

Approved April 1, 1898.

AN ACT RELATIVE TO THE LIABILITY OF OFFICERS OF CORPORATIONS FOR CORPORATE DEBTS.

Chap. 266

Be it enacted, etc., as follows:

Section sixty of chapter one hundred and six of the Public Statutes is hereby amended by adding at the end thereof the following words:—Sixth, For debts contracted before the original capital is fully paid in, and the certificate of such payment filed in accordance with section forty-six of this chapter,—so as to read as follows:—*Section 60.* The officers of any corporation which is subject to this chapter shall be jointly and severally liable for its debts and contracts in the following cases, and not otherwise:—

P. S. 106, § 60, amended.

Liability of officers of certain corporations for debts and contracts.

The president and directors shall be so liable, —

First, For making or consenting to a dividend when the corporation is or thereby is rendered insolvent, to the extent of such dividend.

Second, For debts contracted between the time of making or assenting to a loan to a stockholder and the time of its repayment, to the extent of such loan.

Third, When the debts of a corporation exceed its capital, to the extent of such excess existing at the time of the commencement of the suit against the corporation upon the judgment in which the suit in equity to enforce such liability is brought as hereinafter provided.

The president, directors, and treasurer shall be so liable, —

Fourth, For signing any statement filed under section forty-eight, when the property mentioned in such statement is not conveyed and taken at a fair valuation; but only the officer or officers signing the same shall be so liable.

And the president, directors, and other officers shall be so liable, —

Fifth, For signing any certificate required by law know-

ing it to be false; but only the officer or officers knowing thereof shall be liable.

Sixth, For debts contracted before the original capital is fully paid in, and the certificate of such payment filed in accordance with section forty-six of this chapter.

Approved April 1, 1898.

Chap.267

AN ACT TO AUTHORIZE CITIES TO PENSION FIREMEN.

Be it enacted, etc., as follows :

Cities may pension certain firemen.

SECTION 1. Any city may, by vote of its city council and under such restrictions and subject to such provisions as may be prescribed by such vote or by ordinance, pension any fireman who by reason of permanent disability incurred while in the discharge of his duty as fireman is no longer able to perform active service as such fireman.

When to take effect.

SECTION 2. This act shall not take effect in any city until it has been accepted by a majority of the voters of such city present and voting thereon at an annual or special city election.

Question of acceptance to be submitted to voters.

SECTION 3. Whenever a petition signed by not less than two hundred registered voters of any city, requesting that the question of the acceptance of this act shall be submitted to the voters of such city at its next municipal election, shall be filed with the city clerk of such city not less than thirty days before the day on which said election is to be held, the question of the acceptance of this act shall be submitted to the voters of said city to be voted upon at the municipal election next held therein after the filing of such petition with the city clerk.

Approved April 1, 1898.

Chap.268

AN ACT TO FACILITATE THE INSPECTION OF WIRES IN BUILDINGS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Persons, etc., proposing to place electric wires in buildings to notify commissioner of wires, etc.

SECTION 1. Every corporation or person proposing to place wires designed to carry a current of electricity within a building shall give notice thereof to the commissioner of wires of said city before commencing the work; and shall not turn the current on to wires that are to be used for electric lighting, heating or power until permission to do so has been given by said commissioner.

SECTION 2. The commissioner of wires shall be deemed the sole judge of what constitutes proper insulation and the safe installation of electric conductors and appliances within buildings, and is hereby authorized to make such rules and regulations as he may deem necessary to make such conductors and appliances as safe as possible.

Commissioner may make rules and regulations.

SECTION 3. Whenever in the opinion of the commissioner of wires any electrical conductors or appliances used for the distribution of an electric current within a building are in an unsafe or dangerous condition, he is hereby authorized to cause the current to be shut off if the existing defects are not remedied within a reasonable time.

May cause current to be shut off in certain cases.

SECTION 4. This act shall take effect upon its passage.

Approved April 1, 1898.

AN ACT TO PROVIDE FOR THE LAYING OUT OF PUBLIC PARKS AND SQUARES IN THE CITY OF NEWTON.

Chap. 269

Be it enacted, etc., as follows:

SECTION 1. The board of aldermen of the city of Newton shall have power to take land from time to time by purchase, gift, devise or otherwise for public parks and squares in said city, and to take and to hold in trust, or otherwise, any devise, grant, gift or bequest for the purpose of laying out, improving or ornamenting any parks and squares in said city, and may provide by ordinances for the government, use, care and superintendence of such parks and squares, either by said board of aldermen or, if said board shall so decide, by such persons as may be appointed by the mayor and aldermen of said city; and for breaches of such ordinances may affix penalties not exceeding twenty dollars for one offence: *provided, however*, that no land shall be so taken or liability created or money expended therefor or upon any such park or square, except by a two thirds vote of all the members of said board of aldermen taken by yeas and nays.

May take land for park purposes, etc.

Proviso.

SECTION 2. Said city shall, within sixty days after the taking of any land under this act, file in the registry of deeds for the southern district of the county of Middlesex a description of such land sufficiently accurate for identifying the same. The title of lands so taken shall vest in the city of Newton. In case said city and the

Description of land to be recorded, etc.

owner of any such land do not agree upon the damage occasioned by such taking such damage shall be ascertained, determined and paid in the same manner as is provided for the assessment and payment of damages for the taking of land for highways.

Real estate benefited may be assessed a proportional share of cost, etc.

SECTION 3. At any time within two years after any land is taken or purchased for a park or square under this act the board of aldermen of said city, if in its opinion any real estate in said city receives any benefit and advantage from such taking or purchasing, or from the locating and laying out of a park or square under this act, beyond the general advantages to all real estate in said city, may adjudge and determine the value of such benefit and advantage to any such real estate, and may assess upon the same a proportional share of the cost of land so purchased or taken, and of the expense of laying out, grading and making such park or square; but in no case shall the assessment exceed one half of the amount of such adjudged benefit and advantage.

Assessments to constitute a lien upon real estate, etc.

SECTION 4. Assessments made under the preceding section shall constitute a lien upon the real estate so assessed, and shall be collected and enforced, with the same rights to owners to surrender their estates, and the same proceedings thereupon, and with the same rights of and proceedings upon appeal, as are provided by chapter fifty-one of the Public Statutes.

Public Park Loan.

SECTION 5. The board of aldermen of said city shall have authority to issue from time to time, and to an amount not exceeding the amount actually expended for the purchase or taking of lands for said parks and squares, bonds or certificates of debt, to be denominated on the face thereof, Public Park Loan, and to bear interest at such rates and to be payable at such periods as said board may determine. Said board shall establish a sinking fund for the payment of said loan, and there shall be paid into said sinking fund all sums received for betterments under the provisions of section three, and such further sums raised by taxation from year to year as will with their accumulations extinguish said debt at its maturity.

Sinking fund.

SECTION 6. This act shall take effect upon its passage.

Approved April 2, 1898.

AN ACT RELATIVE TO THE ELECTION OF SELECTMEN IN THE TOWN OF REVERE. *Chap.270*

Be it enacted, etc., as follows :

SECTION 1. The board of selectmen of the town of Revere shall hereafter be composed of one member at large and one member from each of four voting precincts into which the town shall be divided, who shall be elected as follows : — The member at large shall be elected by the qualified voters of the entire town for the term of one year, and each of the other members shall be elected for the term of one year by and from the qualified voters of the voting precinct in which he resides.

Election of selectmen in Revere.

SECTION 2. The question of the acceptance of this act shall be submitted to the voters of said town at the annual state election in the present year ; and there shall be printed on the ballots used at said election the following question : — “ Shall the act passed by the general court in the year eighteen hundred and ninety-eight entitled, ‘ An Act relative to the election of selectmen in the town of Revere ’, be accepted ? ” and the affirmative votes of a majority of those voting thereon shall be required for its acceptance.

Question of acceptance to be submitted to voters.

SECTION 3. So much of this act as authorizes the submission of the question of its acceptance to the voters of said town shall take effect upon its passage ; and if accepted as provided in the preceding section this act shall take full effect on the day of the annual town election in said town next following said acceptance, and at said election a board of selectmen shall be chosen as provided in section one.

When to take effect.

Approved April 2, 1898.

AN ACT TO AUTHORIZE FIRE DISTRICT NUMBER ONE OF THE TOWN OF GREENFIELD TO EXTEND ITS LIMITS. *Chap.271*

Be it enacted, etc., as follows :

SECTION 1. Fire District Number One of the town of Greenfield is hereby authorized to extend the limits of said district as follows : — Beginning at the mouth of Thompson brook, so-called, on the westerly side of Green river, in the present boundary line of the district, thence north, seventy-five degrees forty-five minutes west, eighteen hundred sixty-three feet to a stone bound marked F. D. ; thence south, twenty-five degrees fifty-three

Fire District Number One of Greenfield may extend its limits.

Fire District
Number One
of Greenfield
may extend its
limits.

minutes west, thirty-two hundred sixty-two feet to a stone bound marked F. D. on the former boundary line between Greenfield and Deerfield; thence south, seventy degrees seven minutes east, forty-six hundred sixty-three feet to a stone bound marked F. D.; thence south, thirty-one degrees twenty-five minutes east, nineteen hundred seventeen feet to a stone bound marked F. D. on or near the westerly line of Meridian street; thence south, fifty-five degrees seventeen minutes east, thirty-five hundred eighty-two feet to the centre of the westerly end of the middle pier of the Boston and Maine Railroad bridge in the middle of the Deerfield river; thence following the middle of the river down stream about eleven hundred fifty feet; thence north, eleven degrees eight minutes east, about twenty-two hundred feet, passing through the centre of the dry bridge on the Fitchburg railroad over the highway running by the house of Robert Abercrombie, to the southerly end of Rocky Mountain, called Sachem's Head; thence following the crest of Rocky Mountain northerly about twenty-four hundred feet to the present southeasterly corner of the fire district, being on the former boundary line between Greenfield and Deerfield; thence on the present southerly and westerly boundary lines of the fire district to the place of beginning.

When to take
effect.

SECTION 2. This act shall take effect when the same shall have been accepted by vote of the legal voters of said fire district at a meeting duly called for that purpose.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved April 2, 1898.*

Chap. 272 AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A PUBLIC LIGHTING PLANT IN THE TOWN OF TEMPLETON.

Be it enacted, etc., as follows:

Baldwinville
Electric Light
District estab-
lished.

SECTION 1. That portion of the territory of the town of Templeton which is included in the voting precincts numbered three and four as now defined upon the records of said town is hereby constituted a district for the purpose of providing said town and said district and their inhabitants with electric light and power, with all the powers and privileges and subject to all the duties, restrictions and liabilities of towns authorized to manufacture and sell electricity for light and power, so far as the same may be applicable to said district and not incon-

sistent with the provisions of this act. Said district shall be known as the Baldwinville Electric Light District.

SECTION 2. In order to meet the expenses of establishing an electric plant as aforesaid said district may issue bonds, notes or certificates of debt, to be denominated on the face thereof, Templeton Electric Light District Loan, to an amount not exceeding five per cent. of the valuation of the estates in said district, which indebtedness shall be subject to all provisions of general law relating to similar indebtedness of towns, so far as the same are applicable thereto and not inconsistent with this act.

Templeton
Electric Light
District Loan.

SECTION 3. If said district shall establish a plant for the distribution of electricity without a plant for manufacturing the same it may purchase electricity from any person or corporation, or may purchase power from any person or corporation for the operation of its dynamos.

May purchase
electricity or
power.

SECTION 4. The first meeting of the voters of said district for the purpose of taking action hereunder shall be called by the selectmen of the town of Templeton in the same manner as town meetings are called, and if said selectmen unreasonably refuse or neglect to call such meeting any justice of the peace may call the same. All subsequent meetings of the voters of said district for any purpose connected with this act shall be called by the prudential committee hereinafter mentioned, in the same manner as town meetings are called. At all such meetings a moderator shall be chosen, who shall have the powers of a moderator at a town meeting. If at the second meeting of the voters of said district it shall be decided to accept the provisions of this act a prudential committee shall be chosen and a clerk, and thereafterwards said committee and clerk shall be chosen annually. The prudential committee shall have the same powers and be subject to the same duties and obligations as selectmen of towns with respect to electric light plants owned and maintained by towns. The clerk shall be sworn and shall keep a record of the meetings of the district and of the prudential committee. A manager of electric light shall be appointed by the prudential committee, and shall have all the powers and shall be subject to all the duties of the officer named in section eight of chapter three hundred and seventy of the acts of the year eighteen hundred and ninety-one. All said

Meetings of
voters of
district.

Prudential
committee and
clerk to be
chosen.

Powers and
duties.

Manager to be
appointed, etc.

officers shall hold their offices for one year and until others are chosen and qualified in their stead.

District may adopt by-laws, etc.

SECTION 5. Said district may adopt by-laws to define the manner of calling and conducting meetings of the voters in said district, and with respect to the maintenance, operation and business of said plant. Said district may sue and be sued in the name of its inhabitants.

Not to exercise authority without approval of voters.

SECTION 6. Said district shall not exercise the authority conferred in this act until after a vote that it is expedient to exercise such authority shall have been passed by the voters of said district at two district meetings, as required by section three of said chapter three hundred and seventy of the acts of the year eighteen hundred and ninety-one.

Approved April 2, 1898.

Chap. 273

AN ACT TO INCORPORATE THE TRUSTEES OF THE AYER HOME.

Be it enacted, etc., as follows:

Trustees of the Ayer Home incorporated.

SECTION 1. Jacob Rogers, Edward T. Rowell, Moses G. Parker, Frederick Lawton, Charles H. Coburn and their successors, are hereby made a corporation by the name of the Trustees of the Ayer Home, with all the powers and privileges and subject to all the duties, restrictions and liabilities of corporations organized under chapter one hundred and fifteen of the Public Statutes and acts in amendment thereof and in addition thereto, except as herein otherwise provided. Any vacancy caused by the death or resignation of a trustee shall be filled by the remaining trustees, and on the refusal or inability of any trustee to act, continued for one year, the remaining trustees may by a two thirds vote declare his place vacant, and the vacancy shall be filled as in case of a vacancy caused by death or resignation. The trustees shall make such rules as to their organization, meetings and conduct of business as they deem best, and may define what shall be deemed a refusal or an inability of a trustee to act, within the meaning of this section. No trustee shall receive any pecuniary compensation for his services.

Vacancy, etc.

May receive and hold in trust certain real and personal estate, etc.

SECTION 2. Said corporation may receive and hold in trust for the benefit of the Ayer Home, which is to be maintained for the benefit and welfare of young women and children, real and personal estate to an amount not exceeding five hundred thousand dollars, including the property which may be conveyed to it under the provisions of this act. The Ayer Home for Young Women

and Children, a corporation organized under the general laws of this Commonwealth and located at Lowell, may convey to the corporation herein created all its real and personal estate. If at a special meeting of the Ayer Home for Young Women and Children, duly called for said purpose, it shall vote to accept the provisions of this act, and shall vote to convey all its real and personal estate to the corporation hereby created, the clerk of the Ayer Home for Young Women and Children shall forthwith file with the secretary of the Commonwealth a sworn certificate of said votes, and shall cause to be recorded a copy of said certificate in the registry of deeds for the northern district of Middlesex county.

SECTION 3. Upon the acceptance of this act and the conveyance of its real and personal estate by the Ayer Home for Young Women and Children, and the filing of the certificate with the secretary of the Commonwealth, and the recording of a copy of the same as aforesaid, the said corporation shall by force of this act be dissolved. The corporation hereby created shall thereupon be responsible for all debts and contracts of the dissolved corporation, and thereafter all gifts, grants, devises and bequests, and all payments due to the Ayer Home for Young Women and Children, shall be vested in the said Trustees of the Ayer Home.

Ayer Home for Young Women and Children to be dissolved.

Grants, devises, etc.

SECTION 4. The trustees shall keep all the property and estate invested in good, safe and income-yielding stocks, bonds, mortgages of real estate, or other property or securities in which trustees are authorized to invest trust funds under the laws of this Commonwealth, and may expend the income only, and in no event the principal thereof or any part of it, for the use and benefit of the said Ayer Home.

Investment of property and estate, etc.

SECTION 5. This act shall take effect upon its acceptance by the Ayer Home for Young Women and Children, as provided in section two, and upon its compliance with the other provisions contained in said section two, and not otherwise.

When to take effect.

Approved April 2, 1898.

AN ACT MAKING AN APPROPRIATION FOR CURRENT EXPENSES AT THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Chap. 274

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding twenty-five thousand dollars is hereby appropriated, to be paid out of the

Massachusetts hospital for epileptics.

treasury of the Commonwealth from the ordinary revenue, for the purpose of meeting current expenses at the Massachusetts hospital for epileptics, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1898.

Chap. 275 AN ACT TO PROVIDE FOR THE WIDENING OF RUTHERFORD AVENUE AND DEVENS AND BOW STREETS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Widening of
certain streets,
etc., in the city
of Boston.

SECTION 1. The board of street commissioners of the city of Boston shall prepare a plan for widening Rutherford avenue between Chapman street and Devens street, and for widening Devens street between Rutherford avenue and Washington street, and for widening Bow street between Washington street and City square, and, if it deems proper, for extending Bow street to Front street, so as to provide a better thoroughfare for teaming and for other purposes between the junction of Chapman street and Rutherford avenue, and City square and the Charles River bridges, said plan to be subject to the approval of the mayor of said city.

City treasurer
to issue notes
bonds, etc

SECTION 2. After said plan has been so prepared and approved the treasurer of said city shall, from time to time, on the request of the mayor, in order to provide for meeting the expenses of such widening, issue notes, bonds or scrip of said city to the amount specified in such request, for a term not exceeding twenty years from the date thereof: *provided*, that the sum total of such amounts shall not exceed the sum of two hundred thousand dollars. Such notes, bonds or scrip shall be within the debt limit; shall be negotiable; shall bear interest payable semi-annually; shall be registered or with interest coupons attached, and shall be sold and disposed of in such manner, at such times, at such prices, in such amounts and at such rates of interest not exceeding five per cent. per annum, as said treasurer may determine. In case the estimated expense of making all of the street changes shown on such plan as determined by said board exceeds the sum of two hundred thousand dollars the work of making such changes shall begin at the junction of Rutherford avenue and Chapman street, and shall be

Proviso.

continued from that point in the direction of City square as far as the expenses of the same can be met within the amount of the loan herein authorized.

SECTION 3. This act shall take effect upon its acceptance by the city council of the city of Boston.

When to take effect.

Approved April 2, 1898.

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SEWERAGE PURPOSES.

Chap. 276

Be it enacted, etc., as follows :

SECTION 1. The city of Fall River, for the purpose of extending the sewer outlets at the foot of Cove street, Odd street and Ferry street into Taunton river at said city, may incur indebtedness beyond the limit fixed by law, to an amount not exceeding one hundred thousand dollars, and may issue bonds, notes or scrip therefor. Said bonds, notes or scrip shall be payable within such period, not exceeding thirty years from the date thereof, and shall bear such rate of interest, as the city council shall determine. Any sum which may remain after the construction of the outlets as herein provided may be used for the extension of the sewerage system of said city. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and in addition thereto shall, so far as applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

May incur indebtedness beyond debt limit, issue bonds, etc.

P. S. 29, etc., to apply.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1898.

AN ACT RELATIVE TO THE LABOR OF PRISONERS IN JAILS AND HOUSES OF CORRECTION.

Chap. 277

Be it enacted, etc., as follows :

SECTION 1. The receipts from the labor of prisoners in a jail or house of correction in any county shall be paid into the county treasury each month; and so much of said receipts as may be needed for the purpose is hereby appropriated for the payment of the expenses of maintaining the industries in said jail or house of correction. Payment of said expenses shall be made by the county treasurer only upon schedules duly approved as required by chapter four hundred and forty-seven of the

Receipts from labor of prisoners to be paid into county treasury each month, etc.

acts of the year eighteen hundred and eighty-seven relating to the labor of prisoners, and acts in amendment thereof and in addition thereto.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1898.

Chap. 278

AN ACT TO CHANGE THE HARBOR LINES AND PROVIDE FOR THE IMPROVEMENT OF SOUTH BAY IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Harbor lines in South bay, Boston, changed, etc.

SECTION 1. The harbor lines in South bay in the city of Boston are hereby changed and established as follows: — Beginning at a point on the southerly side of Dover Street bridge, which point is distant one hundred and eighty-three feet southeasterly from the southeasterly side line of Albany street; thence running southwestwardly, parallel with said side line, nine hundred feet; thence running southwestwardly, a little more westerly, about five hundred and fifty-five feet, to a point which is distant three hundred and seventy feet southeasterly from the northwesterly side line of Albany street, measuring at right angles to said side line from a point therein six hundred and twenty-seven feet northeasterly from the northeasterly side line of Wareham street; thence running southwestwardly, still more westerly, about sixteen hundred and fifteen feet, to a point which is distant three hundred and fifty-three feet southeasterly from said northwesterly side line of Albany street, measuring at right angles to said side line from the point of its intersection with the southwestwardly side line of East Brookline street; thence running southwestwardly, still more westerly, five hundred feet, to a point which is distant three hundred and forty feet southeasterly from said northwesterly side line of Albany street, measuring at right angles thereto; thence running southeasterly one hundred feet at right angles to the harbor line last described; thence running northeasterly, about four hundred and thirty-five feet, to a point which is distant four hundred and fifty-five feet southeasterly from said northwesterly side line of Albany street, measuring at right angles to said side line from a point therein sixty-five feet southwestwardly from the southwestwardly side line of East Brookline street; thence running southeasterly, parallel with the northerly side line of Swett street, about thirteen hundred and fifty feet to a point which is distant five hundred feet northwesterly

from the northwesterly side line of the location of the New England railroad, measuring at right angles to said side line; thence running northeasterly nineteen hundred and seventy-three feet, in a straight line which, for the first six hundred and twenty feet, more or less, is parallel with and five hundred feet northwesterly from said side line of said railroad location; thence running northerly about three hundred and one feet to a point which is distant eight hundred and thirty-three feet southeasterly from the southeasterly side line of Albany street, measuring at right angles thereto, and is also distant six hundred and eighty feet southerly from the southerly side of Dover Street bridge, measuring from a point thereon six hundred and five feet southeasterly from said southeasterly side line of Albany street; thence running northerly six hundred and eighty feet to said point on the southerly side of said bridge.

SECTION 2. No wharf, pier, wall, filling or other structure or work, shall hereafter be built or extended in said South bay beyond the harbor lines aforesaid; nor shall any structure be built or filling done inside said harbor lines and below the present high water mark in said bay, without authority or license therefor first duly obtained under and subject to the provisions of chapter nineteen of the Public Statutes.

Building of wharfs, piers, etc., restricted.

SECTION 3. For the purpose of improving the facilities for navigating in said bay and the sanitary conditions thereof the board of harbor and land commissioners may from time to time, by contract or otherwise, excavate the whole or any portion of the area lying between the harbor lines hereinbefore established, to such depths as it may determine, and the excavated material may be used for filling the flats in South bay. The board may also expend for dredging and filling as aforesaid any moneys received as compensation for displacement of tide water in said bay: *provided, however*, that whenever the owner or owners of the land and flats so filled shall pay all the expense incurred by the Commonwealth under any contract for the dredging and filling aforesaid no charge shall be made for tide water displaced by such filling. All contracts made by the board shall be subject to approval by the governor and council.

Harbor and land commissioners may provide for dredging and filling, etc.

Proviso.

SECTION 4. Any person suffering injury by the doings hereinbefore authorized may have the same determined

Damages.

in the superior court for the county of Suffolk in the manner provided for the recovery of damages sustained by reason of the laying out of ways, provided the petition shall be filed in said court within a year after the right of action accrues.

Flow or
drainage not to
be obstructed,
etc.

SECTION 5. No structure shall be built or filling or other work done in any portion of said South bay below the present high water mark thereof, whereby the existing flow or drainage of surface or other waters in or into and through said bay towards the sea is cut off or obstructed, without first making such other provision for such flow or drainage as shall be approved by said board of harbor and land commissioners and the city engineer of the city of Boston.

Repeal, etc.

SECTION 6. Chapter three hundred and nine of the acts of the year eighteen hundred and ninety-one is hereby repealed, and all harbor lines heretofore established in said South bay, so far as they differ from those established by this act, are hereby annulled.

SECTION 7. This act shall take effect upon its passage.

Approved April 2, 1898.

Chap. 279 AN ACT TO INCORPORATE THE PROVIDENCE AND TAUNTON STREET RAILWAY COMPANY.

Be it enacted, etc., as follows :

Providence and
Taunton Street
Railway Com-
pany incor-
porated.

SECTION 1. James F. Shaw, Bertram Sumner, George A. Butman, Edward P. Shaw, Junior, and N. Sumner Myrick, their associates and successors, are hereby made a corporation under the name of the Providence and Taunton Street Railway Company, with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies.

May construct,
etc., its railway
in the city of
Taunton and
certain towns.

SECTION 2. Said company may locate, relocate, construct, maintain and operate its railway in such manner as may be convenient and necessary, in part upon land outside of the public streets and highways, leased or purchased for the purpose, and upon streets, highways or state roads, in the city of Taunton and towns of Dighton, Seekonk and Rehoboth, subject to the approval and under the control of the board of aldermen of said city and the selectmen of the respective towns, as provided

by general laws, and subject also to the approval and consent of the Massachusetts highway commission as to any part of said railway located upon a state highway. The location of said railway outside the public streets and highways shall not exceed fifty feet in width, and no such location shall be authorized until the said aldermen and selectmen give to the company their written approval thereof.

Location.

SECTION 3. Said company may maintain and operate its railway by any approved power other than steam, and may erect and maintain poles and wires on lands outside the public streets and highways, subject to the provisions of the preceding section, and, with the consent of the board of aldermen in said city and of the selectmen in the respective towns, may erect such poles and wires in the streets and highways as may be necessary to establish and maintain such motive power. It may acquire by purchase or by lease all necessary real estate for its power stations and other uses incidental to the proper maintenance of its railway.

Motive power, etc.

May acquire necessary real estate.

SECTION 4. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, except that said company may increase or decrease its capital stock, subject to the provisions of the general laws relative thereto.

Capital stock.

SECTION 5. Said company, in order to meet expenses incurred under this act, may issue bonds not exceeding the amount of its capital stock and payable within a period not exceeding twenty years from the date thereof, secured by mortgage of its franchise and property, subject to the general laws relative thereto; and in such mortgage may reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become unsuitable for use, provided an equivalent in value is substituted therefor.

May issue mortgage bonds, etc.

SECTION 6. The authority herein granted shall cease as to the location in any town where no portion of the proposed road has been built and put in operation at the end of three years from the passage of this act.

Authority as to location to cease under certain conditions.

SECTION 7. This act shall take effect upon its passage.

Approved April 2, 1898.

Chap.280 AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE AND INSOLVENCY FOR THE COUNTY OF BERKSHIRE.

Be it enacted, etc., as follows :

Judge of probate and insolvency, Berkshire county.

SECTION 1. The salary of the judge of probate and insolvency for the county of Berkshire shall be twenty-five hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1898.

Chap.281 AN ACT TO EXTEND THE TIME WITHIN WHICH THE TOWN OF UXBRIDGE MAY ACCEPT THE ACT AUTHORIZING SAID TOWN TO INCREASE ITS WATER SUPPLY.

Be it enacted, etc., as follows :

1895, 205, § 11, amended.

SECTION 1. Section eleven of chapter two hundred and five of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out the whole of said section and inserting in place thereof the following:—*Section 11.* This act shall take effect upon its acceptance by a two thirds vote of the voters of the town of Uxbridge present and voting thereon at a legal town meeting called for the purpose within five years from its passage; but the number of meetings so called shall not exceed one in each year during the last two of said years.

Time extended.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1898.

Chap.282 AN ACT RELATIVE TO THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Board of police of Boston may appoint railroad police, etc.

SECTION 1. The board of police for the city of Boston may, subject to the provisions of sections thirteen to twenty inclusive of chapter one hundred and three of the Public Statutes, appoint railroad police, and may upon the written application of any officer or board in charge of a department of the city of Boston, approved by the mayor of said city, appoint special police officers for such department.

Special police officers may be appointed in certain cases.

SECTION 2. Said board may, if it deems it expedient, on the application of any corporation or person that said

board may deem responsible, appoint special police officers to serve without pay from said city, and the corporation or person applying for an appointment under this section shall be liable for the official misconduct of the officer appointed on such application, as for the torts of any servant or agent in the employ of such corporation or person.

SECTION 3. Every special police officer appointed under the provisions of this act shall serve from the time of his appointment to the first day of April of the year next ensuing, and shall have the power of police officers to preserve order and to enforce the laws and ordinances of the city in and about any park, public ground, place of amusement, place of public worship, wharf, manufactory or other locality specified in the application. A record of all such appointments shall be kept in the office of said board, and any appointment so made may be revoked by said board at any time.

Term of office,
powers, etc.

SECTION 4. Section six of chapter two hundred and forty-four of the acts of the year eighteen hundred and seventy-eight is hereby repealed, but any officer appointed before this act takes effect shall continue to perform the duties of such officer according to the tenure of his appointment.

Repeal, etc.

SECTION 5. This act shall take effect upon its passage.

Approved April 2, 1898.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE MARLBOROUGH AND WESTBOROUGH STREET RAILWAY COMPANY MAY CONSTRUCT AND OPERATE ITS RAILWAY.

Chap. 283

Be it enacted, etc., as follows:

SECTION 1. The time within which the Marlborough and Westborough Street Railway Company is authorized by chapter four hundred and thirty of the acts of the year eighteen hundred and ninety-six to construct and operate its railway is hereby extended to the first day of October in the year eighteen hundred and ninety-nine.

Time extended.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1898.

Chap.284 AN ACT TO EXEMPT SCHOOLHOUSES FROM CERTAIN PROVISIONS OF THE ACT RELATIVE TO THE ERECTION OF BUILDINGS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

1892, 419, § 55,
etc., amended.

SECTION 1. Section fifty-five of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two, as amended by chapter two hundred and eighty of the acts of the year eighteen hundred and ninety-five, is hereby amended by inserting after the words “public buildings”, in the eighth line, the words : — except schoolhouses, — and by inserting after the word “pounds”, in the ninth line, the words : — For floors of schoolhouses, other than the floors of assembly rooms, eighty pounds ; and for the floors of assembly rooms, one hundred and fifty pounds, — so as to read as follows :

Construction of
buildings in
city of Boston.

— *Section 55.* All new or renewed floors shall be so constructed as to carry safely the weight to which the proposed use of the building will subject them, and every permit granted shall state for what purpose the building is designed to be used ; but the least capacity per superficial square foot, exclusive of materials, shall be : — For floors of dwellings, fifty pounds. For office floors, one hundred pounds. For floors of public buildings, except schoolhouses, one hundred and fifty pounds. For floors of schoolhouses, other than the floors of assembly rooms, eighty pounds ; and for the floors of assembly rooms, one hundred and fifty pounds. For store floors, floors of warehouses and mercantile buildings of like character, drill rooms and riding schools, at least two hundred and fifty pounds. The weight for floors not included in this classification shall be determined by said inspector, subject to appeal as provided by law.

Strength of
floors.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1898.

Chap.285 AN ACT RELATIVE TO THE LAW LIBRARIES IN THE CITIES OF NEW BEDFORD AND FALL RIVER IN THE COUNTY OF BRISTOL

Be it enacted, etc., as follows :

1894, 423, § 1,
amended.

SECTION 1. Section one of chapter four hundred and twenty-three of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out the words “at the court houses of the county of Bristol”,

in the first and second lines, and inserting after the word "River", in the third line, the words:— in the county of Bristol,—so as to read as follows:— *Section 1.* Law libraries are hereby established in the cities of New Bedford and Fall River in the county of Bristol, for the use of the courts and citizens, and there shall be expended annually for each of such libraries such sum, not exceeding one thousand dollars as may be necessary for the purpose. Such expenditures shall be made for each of such libraries by the respective bar associations of the city where the library is established, and such associations shall respectively certify all such expenditures to the county treasurer, who shall cause payment thereof to be made from the treasury of the county.

Law libraries
in New Bedford
and Fall River.

SECTION 2. Section three of said chapter is hereby amended by striking out the whole of said section and inserting in place thereof the following:— *Section 3.* The county commissioners are directed and required to provide suitable accommodations for such libraries in the court houses or other convenient places in said cities respectively.

1894, 423, § 3,
amended.

Suitable accom-
modations to be
provided.

Approved April 2, 1898.

AN ACT TO PROVIDE FOR CLERICAL ASSISTANCE IN THE POLICE COURT OF LAWRENCE.

Chap.286

Be it enacted, etc., as follows:

SECTION 1. The clerk of the police court of Lawrence shall be allowed for clerical assistance, upon the certificate of the justice of said court that the work was actually performed and was necessary, with the time occupied and the name of the person by whom the work was performed, such sums not exceeding five hundred dollars per year, as the county commissioners for the county of Essex by a writing signed by them may approve. Said sums shall be paid monthly from the treasury of said county to the person employed.

Clerical assist-
ance.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1898.

AN ACT TO ESTABLISH A DISTRICT COURT FOR THE COUNTY OF DUKES COUNTY.

Chap.287

Be it enacted, etc., as follows:

SECTION 1. The towns of Edgartown, Cottage City, Tisbury, West Tisbury, Chilmark, Gay Head and Gosnold, shall constitute a judicial district under the juris-

District court
of Dukes
County
established.

diction of a court to be called the district court of Dukes County. Said court shall be held in the town of Cottage City on Saturday of each alternate week, and at Edgartown and Tisbury alternately in the intervening weeks, and at such other times and places within said district as the justice thereof may by general rule determine; and shall also be held at all other times required by law or by such general rule in the towns of Cottage City, Edgartown and Tisbury.

Justices.

SECTION 2. There shall be one justice and two special justices of said court. The justice shall receive from the county of Dukes County an annual salary of five hundred dollars.

Certain provisions of law to apply.

SECTION 3. All provisions of law applicable to district courts shall apply to said court.

First session, etc.

SECTION 4. The first session of said court shall be held on the first Monday of June in the year eighteen hundred and ninety-eight, but nothing in this act shall affect any action or proceeding commenced prior to said first Monday of June.

SECTION 5. This act shall take effect upon its passage.

Approved April 2, 1898.

Chap. 288

AN ACT TO LEGALIZE CERTAIN PROCEEDINGS OF THE TOWN OF BECKET.

Be it enacted, etc., as follows:

Proceedings of town meeting of Becket legalized.

SECTION 1. The proceedings of the town meeting of the town of Becket held on the twenty-third day of May in the year eighteen hundred and ninety-seven shall not be invalid by reason of the omission to use the check list at said meeting, nor by reason of the votes passed at said meeting not being taken by ballot, as required by the provisions of section forty-six of chapter one hundred and twelve of the Public Statutes.

Certain votes passed confirmed, etc.

SECTION 2. The action of said town at said town meeting in agreeing to subscribe for stock of the Chester and Becket Railroad Company to the amount of three thousand dollars, and all votes passed at said meeting in relation thereto, are hereby legalized and confirmed, notwithstanding any irregularities in the proceedings of said meeting.

SECTION 3. This act shall take effect upon its passage.

Approved April 2, 1898.

AN ACT TO AUTHORIZE THE CITY OF LYNN TO BORROW THIRTY-FIVE THOUSAND DOLLARS IN EXCESS OF THE LIMIT OF INDEBTEDNESS FIXED BY LAW, FOR BUILDING A SCHOOLHOUSE.

Chap. 289

Be it enacted, etc., as follows :

SECTION 1. The city of Lynn, for the purpose of erecting a school building in ward six of said city, may incur indebtedness from time to time to an amount not exceeding in the aggregate thirty-five thousand dollars beyond the limit of indebtedness fixed by law for said city, and for said purpose may issue from time to time bonds, notes or scrip not exceeding said amount. Such bonds, notes and scrip shall bear on their face the words, City of Lynn Ward Six Schoolhouse Loan, Act of 1898, shall be payable at the expiration of periods not exceeding twenty years from the date of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent. per annum, and shall be signed by the mayor and treasurer of said city. Said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose aforesaid, upon such terms and conditions as it may deem proper. Said city shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually raise by taxation and contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose; and said city shall raise annually by taxation a sum sufficient to pay the interest as it accrues on said bonds, notes and scrip.

City of Lynn
Ward Six
Schoolhouse
Loan, Act of
1898.

Sinking fund.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1898.

AN ACT MAKING AN APPROPRIATION FOR CONTINUING THE WORK OF EXTERMINATING THE GYPSY MOTH.

Chap. 290

Be it enacted, etc., as follows :

SECTION 1. The sum of one hundred and eighty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to be expended under the direction of the state board of agriculture, as authorized by chapter two hun-

Extermination
of the gypsy
moth.

dred and ten of the acts of the year eighteen hundred and ninety-one, for continuing the work of exterminating the gypsy moth, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, said sum to be in addition to all other amounts authorized to be expended for the same purpose.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1898.

Chap.291 AN ACT TO PROVIDE FOR ADDITIONAL FURNITURE FOR THE STATE HOUSE.

Be it enacted, etc., as follows :

State House
Construction
Loan.

SECTION 1. To provide for additional furniture for the state house the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding fifty thousand dollars, for a term not exceeding twenty years, the same to be in addition to the State House Construction Loan, authorized by chapter three hundred and ninety-four of the acts of the year eighteen hundred and eighty-nine and chapter four hundred and ninety of the acts of the year eighteen hundred and ninety-five. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of April and October in each year, shall be redeemable at maturity in the gold coin of the United States or its equivalent, shall be designated on the face thereof, State House Construction Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth; and said scrip or certificates of indebtedness shall be sold in such instalments as the governor and council may determine, by public advertisement to the highest bidder, at not less than the par value thereof, or in such other manner as the governor and council may determine to be for the best interest of the Commonwealth. The sinking fund established by chapter three hundred and ninety-four of the acts of the year eighteen hundred and eighty-nine, as extended by chapter thirty-nine of the acts of the year eighteen hundred and ninety-five, shall also be maintained for the purpose of extinguishing

Sinking fund.

bonds issued under the authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be included in and be made a part of the annual state tax levy, and any premium over the par value of said bonds received from the sale thereof shall form part of the sinking fund for their redemption.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1898.

AN ACT MAKING APPROPRIATIONS FOR THE DECENNIAL CENSUS, FOR THE PUBLICATION OF CERTAIN SPECIAL LAWS, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 292

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, to wit: —

Appropriations.

For the decennial census, as authorized by chapter sixty-eight of the acts of the present year, a sum not exceeding fifteen thousand dollars.

Decennial census.

For clerical assistance in the office of the register of probate and insolvency for the county of Worcester, as authorized by chapter one hundred and seventeen of the acts of the present year, a sum not exceeding one thousand dollars.

Clerical assistance.

For expenses in connection with a high-level sewer for the Charles and Neponset river valleys, as authorized by chapter four of the resolves of the present year, a sum not exceeding thirty thousand dollars.

Sewer for Charles and Neponset river valleys.

For compiling, indexing and publishing the records of the Massachusetts troops who served in the Revolutionary war, as authorized by chapter five of the resolves of the present year, a sum not exceeding six thousand dollars.

Revolutionary records.

For completing the survey and setting monuments on the boundary line between the state of New York and the Commonwealth of Massachusetts, as authorized by chapter six of the resolves of the present year, a sum not exceeding thirty-five hundred dollars.

Boundary line between New York and Massachusetts.

Boundary line
between Rhode
Island and
Massachusetts.

For completing the survey and setting monuments on the boundary line between the state of Rhode Island and the Commonwealth of Massachusetts, as authorized by chapter seven of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Charles A.
Hayden.

For Charles A. Hayden, as authorized by chapter eight of the resolves of the present year, the sum of twenty-five dollars.

Lemuel Burr.

For Lemuel Burr, as authorized by chapter ten of the resolves of the present year, the sum of one hundred and fifty dollars.

Althea
Hazzard.

For Althea Hazzard, as authorized by chapter eleven of the resolves of the present year, the sum of two hundred and fifty dollars.

Index of war
records, etc.

For completing the index of the war records and re-writing the war record books in the office of the adjutant general, as authorized by chapter twelve of the resolves of the present year, the sum of twenty-five hundred dollars.

Preservation of
war records.

To provide for preserving war records in the office of the adjutant general, as authorized by chapter thirteen of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Timothy
Crowley,
administrator.

For Timothy Crowley, administrator, as authorized by chapter fifteen of the resolves of the present year, the sum of one hundred ninety-nine dollars and sixty-seven cents.

John C.
Brackenbury.

For John C. Brackenbury, as authorized by chapter seventeen of the resolves of the present year, the sum of thirty-five dollars and fifty cents.

Investigation of
relations
between street
railways and
municipal
corporations.

For expenses in connection with the investigation of the subject of the relations between street railways and municipal corporations, as authorized by chapter eighteen of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Committee on
armories and
state ranges.

For the expenses of the committee to investigate and report upon armories and state ranges, as authorized by chapter nineteen of the resolves of the present year, a sum not exceeding one thousand dollars.

Elijah S.
Darling.

For Elijah S. Darling, as authorized by chapter twenty-one of the resolves of the present year, the sum of six hundred dollars.

Town of
Nantucket.

For the town of Nantucket, as authorized by chapter twenty-two of the resolves of the present year, the sum of forty-seven dollars and twenty cents.

For messengers and such additional clerical assistance as may be necessary in the office of the secretary of the Commonwealth, a sum not exceeding two thousand dollars, the same to be in addition to the twenty-two thousand dollars appropriated by chapter seventy-one of the acts of the present year.

Additional clerical assistance, etc.

For printing reports of capital trials, under the direction of the attorney-general, a sum not exceeding fifteen hundred dollars.

Reports of capital trials.

For the care and maintenance of the educational museum, to the tenth day of March in the year eighteen hundred and ninety-eight, a sum not exceeding one hundred and fifty dollars.

Educational museum.

For printing additional copies of the report of the attorney-general for the year eighteen hundred and ninety-seven, as authorized by chapter twenty-three of the resolves of the present year, a sum not exceeding three hundred and fifty dollars.

Report of attorney general.

For the publication of certain special laws, as authorized by chapter twenty-five of the resolves of the present year, a sum not exceeding five thousand dollars.

Publication of special laws.

For the care of military property in the charge of the commander of the naval brigade, as authorized by chapter one hundred and eighty-three of the acts of the present year, the sum of five hundred dollars.

Care of certain military property.

For certain improvements at the Danvers lunatic hospital, as authorized by chapter twenty-six of the resolves of the present year, a sum not exceeding sixty-five hundred and fifty dollars.

Danvers lunatic hospital.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1898.

AN ACT RELATIVE TO THE PURCHASE AND SALE OF THE PROPERTY
OF THE MARBLEHEAD WATER COMPANY.

Chap. 293

Be it enacted, etc., as follows:

SECTION 1. The Marblehead Water Company, a corporation established by chapter one hundred sixty-three of the acts of the year eighteen hundred and eighty-three, may sell all its water rights, estates, franchises and privileges, or any part thereof, to any person or municipal or other corporation, notwithstanding the provisions of section nine of said act; and the town of Swampscott is hereby authorized to purchase the same or any part thereof upon terms agreed or to be agreed upon by the

Marblehead Water Company may sell its water rights, etc.

Town of Swampscott may purchase upon certain terms, etc.

parties, and upon such purchase said town shall become entitled to all the rights and privileges of said corporation, except as otherwise provided by agreement of the parties. Any vote heretofore passed by a majority of the legal voters of the town of Swampscott present and voting thereon at a legal town meeting to purchase said property, rights, privileges and franchises of the Marblehead Water Company as herein provided, or authorizing the selectmen to purchase the same, is hereby ratified as a vote of purchase thereof, and shall have the same effect as a vote of purchase thereof as though the authority hereby given had been granted prior to such vote.

May supply
itself with
water, etc.

SECTION 2. Said town of Swampscott upon acquiring the property of said Marblehead Water Company, as herein provided, may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, obtaining the same from any or all of the sources specified, and in the manner specified in said chapter one hundred sixty-three of the acts of the year eighteen hundred eighty-three; or from the city of Lynn, or from the metropolitan water board, as now authorized by law.

May establish
hydrants, etc.,
take lands, etc.

SECTION 3. Said town may establish fountains and hydrants and relocate or discontinue the same; may regulate the use of water and fix and collect rates to be paid for the use of the same; and for the purposes aforesaid may hold and convey such water through said town; and may also take and hold by purchase or otherwise all lands, rights of way and easements necessary to enable said town to supply itself and its inhabitants with water, for holding, storing, purifying and preserving such water, and for conveying the same to any part of said town of Swampscott; and may erect on lands thus taken or held proper dams, reservoirs, buildings, fixtures or other structures; and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under and over any lands, water courses, railroads, or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes or other works, and for all proper pur-

May erect
structures, lay
pipes, etc.

poses of this act said town may dig up any such lands, and may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon.

SECTION 4. The title to all lands taken or purchased under the provisions of this act shall vest in said town, and the lands so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of said town.

Title of lands to vest in town, etc.

SECTION 5. Said town shall pay all damages sustained by any person or corporation in property by the taking of any lands, rights of way or easements, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on making application at any time within the period of one year from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of one year.

Damages.

SECTION 6. Said town may for the purpose of paying for the property, franchises, rights and privileges acquired under and by virtue of this act, and for any other purposes thereof, issue from time to time bonds or notes to an amount not exceeding one hundred and fifty thousand dollars. Such bonds or notes shall bear on their face the words, Town of Swampscott Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent. per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof. Said town shall provide at the time of contracting said loan for the establishment of a sinking fund and shall annually contribute to such fund a sum sufficient

Town of Swampscott Water Loan.

Proviso.

Sinking fund.

with the accumulations thereof to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

May provide
for annual pay-
ments on loan.

SECTION 7. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Payment of
expenses, etc.

SECTION 8. Said town shall raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the current annual expenses of operating its water works, including therein any annual payment to said metropolitan water board or to the city of Lynn, and the interest as it accrues on the notes and bonds issued as aforesaid by said town, and such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalty for
corruption of
water, etc.

SECTION 9. Whoever uses any water taken under this act without the consent of said town, or wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held by said town pursuant to the provisions of this act, or destroys or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Liability for
payment of
rent for use of
water, etc.

SECTION 10. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable in case of non-payment by the occupant for all sums due for the use of water under this act, to be collected in an action of contract in the name of the town of Swampscott.

SECTION 11. Said town shall at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. No person shall be a water commissioner who holds any other town office by popular election. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the unexpired term by said town at any legal meeting held for the purpose.

Water commissioners,
election, terms,
etc.

To be trustees
of sinking fund,
etc.

Vacancy.

SECTION 12. Said commissioners shall fix such prices or rents for the use of water as shall produce annually as near as may be a net surplus over operating expenses, including therein any annual payment to said metropolitan water board or to the city of Lynn, and interest charges equal to two per cent. of the total amount of the bonds or notes issued under this act, after paying all current expenses of operating the water works and interest upon loans. The net surplus aforesaid shall be paid into the sinking fund, if any is established hereunder, and if said surplus does not equal two per cent. of the total amount of the bonds and notes issued under this act the town shall raise by general taxation a sum which with the surplus will equal said two per cent., and shall contribute said sum to the sinking fund. Said commissioners shall annually, and as often as the town may require, render an account of all their doings in relation to the sinking fund, and shall be governed by the provisions of section eleven of chapter twenty-nine of the Public Statutes, except as herein otherwise provided.

To fix prices for
use of water,
etc.

To render an
account of their
doings, etc.

SECTION 13. This act shall take effect upon its passage.

Approved April 6, 1898.

Chap.294 AN ACT TO ESTABLISH THE SALARY OF THE TREASURER OF THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows :

Treasurer of Middlesex county.

SECTION 1. The salary of the treasurer of the county of Middlesex shall be three thousand five hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1898.

Chap.295 AN ACT TO PROVIDE FOR A WATER SUPPLY FOR THE TOWN OF WINTHROP.

Be it enacted, etc., as follows :

Town of Winthrop may supply itself with water, etc.

SECTION 1. The town of Winthrop may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, obtaining the same from the metropolitan water board, as provided in chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, may establish fountains and hydrants and relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May hold and convey certain lands, etc.

SECTION 2. Said town for the purposes aforesaid may hold and convey through said town the water to be furnished by said metropolitan water board as hereinbefore provided, and may also take and hold, by purchase or otherwise, all lands, rights of way and easements necessary for holding, storing, purifying and preserving such water and for conveying the same to any part of said town of Winthrop; may erect on the lands thus taken or held proper dams, reservoirs, buildings, fixtures or other structures; may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; may construct and lay down conduits, pipes and other works, under and over any lands, water courses, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes or other works, and for all proper purposes of this act, said town may dig up any such lands, and may enter

May erect structures, lay pipes etc.

upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon. The title to all lands taken or purchased under the provisions of this act shall vest in said town, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of said town.

Title to lands
to vest in
town, etc.

SECTION 3. Said town shall, within ninety days after the taking of any lands, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Suffolk a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Description of
lands, etc., to
be recorded.

SECTION 4. Said town shall pay all damages sustained by any person or corporation in property by the taking of any lands, rights of way or easements, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on making application at any time within the period of one year from the taking of such land or other property, or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said one year.

Damages.

SECTION 5. In every case of a petition to the superior court for an assessment of damages the town may tender to the complainant or his attorney any sum, or may bring the same into court to be paid to the complainant, for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the complainant does not accept such sum, with his costs up to that time, but proceeds in his suit, and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered in damages from the date of such offer or tender, the town shall have judgment for its costs after said date, for which execution shall issue; and the complainant if he recovers damages shall be allowed his costs only to the date of such offer or tender.

Town may
tender a sum as
damages, etc.

Town of
Winthrop
Water Loan.

SECTION 6. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount sufficient for such purpose, to be determined by a vote of the town at a legal meeting held for that purpose. Such bonds, notes or scrip shall bear on their face the words, Town of Winthrop Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest, payable semi-annually, at a rate not exceeding five per cent. per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof. Said town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Proviso.

Sinking fund.

May provide
for annual pay-
ments on loan.

SECTION 7. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Payment of
expenses, etc.

SECTION 8. Said town shall raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the current annual expenses of operating its water works, including therein any annual payment to said metropolitan water board, and the interest as it accrues on the notes, bonds and scrip issued as aforesaid by said town, and such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

SECTION 9. Whoever uses any water taken under this act without the consent of said town, or wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held by said town pursuant to the provisions of this act, or destroys or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for corruption of water, etc.

SECTION 10. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner shall also be liable in case of non-payment by the occupant for all sums due for the use of water under this act, to be collected in an action of contract in the name of the town of Winthrop.

Liability for payment of rent for use of water, etc.

SECTION 11. Said town shall after the acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the unexpired term by said town at any legal meeting held for the purpose.

Water commissioners, election, terms, etc.

To be trustees of sinking fund, etc.

Vacancy.

SECTION 12. Said commissioners shall fix such prices or rents for the use of water as shall produce annually as near as may be a net surplus over operating expenses, including therein any annual payment to said metropolitan water board, and interest charges equal to two per cent. of the total amount of the bonds, notes or scrip issued

To fix prices for use of water, etc.

under this act, after paying all current expenses of operating the water works and interest upon loans, and after payment of all expenses for new construction, not exceeding one thousand dollars in any one year after the original construction. The net surplus aforesaid shall be paid into the sinking fund if any is established hereunder, and if said surplus does not equal two per cent. of the total amount of the bonds, notes and scrip issued under this act the town shall raise by general taxation a sum which with the surplus will equal said two per cent., and shall contribute said sum to the sinking fund. Said commissioners shall annually, and as often as the town may require, render an account of all their doings in relation to the sinking fund, and shall be governed by the provisions of section eleven of chapter twenty-nine of the Public Statutes, except as herein otherwise provided.

To render an account of their doings, etc.

Town may purchase property of Revere Water Company, etc.

SECTION 13. The town of Winthrop shall not proceed to supply itself and its inhabitants with water under the authority of this act until it shall have first purchased the property of the Revere Water Company, situated within the limits of said town of Winthrop, and all the rights and privileges annexed thereto and necessary to the effectual enjoyment and use thereof, and also any rights and privileges that it may have acquired under chapter one hundred and forty-two of the acts of the year eighteen hundred and eighty two and chapter two hundred and fifty-nine of the acts of the year eighteen hundred and eighty-four, or under any other act relating to the said company and the town of Winthrop, and said company is authorized to make the sale of said property, rights and privileges to said town, and said town is authorized to purchase the same and manage and use the property thus conveyed for the purposes and under the provisions of this act. Whenever within three years from the passage of this act said town shall by a majority vote of the legal voters of said town present and voting thereon at a legal meeting called for that purpose, or at any annual town meeting, vote to purchase said property, rights and privileges, the same shall thereupon become the property of said town, and said town shall pay to said company the fair value thereof, to be ascertained as hereinafter provided. In case said town and said company after a conference thereon shall be unable to agree upon the value of said property, rights and privileges, the supreme judicial

Commissioners to be appointed to determine value of property in case

court shall, upon application of either party and notice to the other, appoint three commissioners, of whom one shall be learned in the law and another shall be a skilled engineer, who shall determine the fair value of the property, rights and privileges, and whose award when accepted by the court shall be final; but said company shall not be entitled to receive any payment as hereinbefore provided, so long as any lien or any other incumbrance remains upon said property or any part thereof, unless said commissioners shall otherwise determine.

of failure to agree, etc.

SECTION 14. This act, except as provided in section fifteen, shall take effect upon its acceptance by a majority vote of the voters of the town of Winthrop present and voting thereon at a legal meeting called for the purpose within three years from its passage; but the number of meetings so called shall not exceed three in any one year.

To be submitted to voters at a legal town meeting, etc.

SECTION 15. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said town shall take effect upon its passage, but it shall not take further effect unless and until accepted as hereinbefore provided by the qualified voters of said town.

When to take effect.

Approved April 6, 1898.

AN ACT RELATIVE TO THE PLUM ISLAND ELECTRIC STREET RAILWAY COMPANY.

Chap. 296

Be it enacted, etc., as follows:

SECTION 1. The Plum Island Electric Street Railway Company may construct, maintain and operate an extension of its railway on private lands, leased or purchased for the purpose, from the present terminus of said railway on Plum Island in the town of Newbury to Plum Island Point in the city of Newburyport, by substantially the same route as that lately occupied by the tracks of the Haverhill and Amesbury Street Railway Company on said island; and may purchase, equip and maintain in connection with its railway, the land, car house and other buildings and appliances on Plum Island, lately owned by said Haverhill and Amesbury Street Railway Company, and may also construct and maintain on said island, pavilions to be used for purposes of lawful recreation and pleasure; and said Plum Island Electric Street Railway Company may lease, purchase and hold lands for the above-mentioned purposes.

The Plum Island Electric Street Railway Company may extend its railway, etc.

May increase
its capital stock,
issue bonds,
etc.

SECTION 2. Said Plum Island Electric Street Railway Company, for the purpose of defraying expenses incurred under this act, or for other lawful purposes, may increase its capital stock by the amount of ten thousand dollars, and issue bonds not exceeding the amount of its capital stock, payable within a period not exceeding twenty years from the date thereof and within the term for which said company holds its lands for the purposes aforesaid, secured by a mortgage of the company's franchise and property.

Sale of stock
and bonds.

SECTION 3. All stock and bonds authorized by this act shall be issued and disposed of in accordance with the provisions of all general laws relating to the issue of stock and bonds by street railway companies.

SECTION 4. This act shall take effect upon its passage.

Approved April 8, 1898.

Chap. 297 AN ACT TO AUTHORIZE THE WORONOCO STREET RAILWAY COMPANY TO ACT AS A COMMON CARRIER OF SMALL PARCELS, AND OF THE UNITED STATES MAIL.

Be it enacted, etc., as follows:

May act as a
common carrier
of small parcels,
etc.
Provisos.

SECTION 1. The Woronoco Street Railway Company may act as a common carrier of small parcels of merchandise, and may also carry the United States mail: *provided*, that said company shall not so act in any town until authorized to do so by a two thirds vote of the voters of said town present and voting thereon at an annual or special meeting called for the purpose; and *provided, further*, that said company shall in the carrying of parcels be subject to such by-laws and regulations as may from time to time be made by said towns; and shall also be subject to the provisions of chapter seventy-three of the Public Statutes and to all laws relating to common carriers.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1898.

Chap. 298 AN ACT RELATIVE TO ALLEYS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Board of street
commissioners
may lay out and
construct public
alleys, etc.

SECTION 1. The board of street commissioners of the city of Boston may, under the provisions of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof or in addition thereto, lay out and construct any alley or passageway in the city of Boston not exceeding twenty-

five feet in width as a public alley, and the provisions of said chapters shall, so far as applicable, apply to the laying out and construction of public alleys and the paying of the assessable cost thereof, as if they were laid out as highways, and any moneys applicable to the laying out and construction of highways under said act may be used for paying the expenses of laying out and constructing public alleys.

SECTION 2. Said city shall not be liable for any defect or want of repair in any public alley, nor be required to keep the same free from snow, but shall be required to keep the same free from any substance which is liable to cause sickness or a nuisance.

City not to be liable in certain cases.

SECTION 3. Whoever drops or places and suffers to remain in any public alley, any snow or ice, or any rubbish or obstruction of any kind, shall be fined not exceeding fifty dollars for each offence.

Penalty for placing in public alleys obstructions, etc.

SECTION 4. This act shall take effect upon its acceptance by the city council of the city of Boston.

Approved April 8, 1898.

AN ACT TO PROVIDE FOR AN EXAMINATION AND RENEWAL OF THE MONUMENTS MARKING THE BOUNDARY LINES OF THE COMMONWEALTH.

Chap. 299

Be it enacted, etc., as follows :

SECTION 1. The commissioners on the topographical survey and map of Massachusetts are hereby authorized and directed, during the year nineteen hundred, and during every fifth year thereafter, to make an examination and inspection of all the monuments or other marks defining the location of the boundary lines of the Commonwealth. Whenever any such monuments or marks are found to be injured, displaced, removed or lost, said commissioners are hereby authorized and directed, in co-operation with persons duly authorized by the adjoining state, to restore or replace the same with suitable stone monuments, and in the same manner to set suitable stone monuments at all points not properly marked, where said state boundary is intersected by the boundary of any towns or counties of this Commonwealth, or by any highway or railroad. Whenever an officer or officers of an adjoining state are required to make such an examination and inspection at other times than as above prescribed the said commissioners

Commissioners on topographical survey to examine and repair monuments, etc., defining boundary lines of the Commonwealth.

May co-operate with officers of other states, etc.

are hereby authorized to co-operate with such officer or officers and to make the examination and inspection, together with the necessary repairs and additions to the monuments marking the line as above described, at the times the officer or officers of the adjoining state are required so to do, instead of at the times above prescribed. Said commissioners are hereby directed to include the estimated cost of such work in their annual estimates which are required to be submitted to the auditor of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1898.

Chap.300 AN ACT TO AUTHORIZE THE TOWN OF WEST NEWBURY TO APPROPRIATE A SUM OF MONEY FOR THE PURPOSE OF CONSTRUCTING A WHARF.

Be it enacted, etc., as follows :

Town of West Newbury may appropriate money to construct a wharf.

SECTION 1. The town of West Newbury is hereby authorized to appropriate a sum of money not exceeding five hundred dollars for the purpose of constructing a wharf on the south side of the Merrimac river within the limits of said town.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1898.

Chap.301 AN ACT TO ESTABLISH A SINKING FUND FOR THE COUNTY OF HAMPDEN.

Be it enacted, etc., as follows :

County commissioners may establish a sinking fund.

SECTION 1. The county commissioners of the county of Hampden are hereby authorized to establish a sinking fund for the purpose of providing for the debts of said county as they mature.

To be invested in certain securities, etc.

SECTION 2. The fund so provided shall be invested and re-invested in the securities in which by law the funds of savings banks may be invested, except personal securities, and may include bonds of said county. When bonds issued by said county become a part of its sinking fund said commissioners shall cause to be stamped or written on the face thereof a notice that they are a part of such sinking fund and are not negotiable, and all coupons thereof as they become due and are paid shall be cancelled.

SECTION 3. The county commissioners of said county shall be ex officiis commissioners of said sinking fund, and all securities for such loans and investments shall be made to them as commissioners of the sinking fund of the county of Hampden.

County commissioners to be ex officiis commissioners of sinking fund.

SECTION 4. Said county commissioners may in writing authorize and direct the treasurer of said county to take charge of said sinking fund and make such loans and investments and all necessary re-investments in such manner as they shall determine, in accordance with the provisions of this act; and in such event said treasurer shall include in his annual statement of receipts and expenditures a report of the condition of said sinking fund.

May direct county treasurers to take charge of sinking fund, etc.

SECTION 5. Neither said county commissioners nor said treasurer shall be entitled to receive any additional compensation for the performance of any duty required by the provisions of this act.

Not to receive additional compensation.

SECTION 6. This act shall take effect upon its passage.

Approved April 8, 1898.

AN ACT TO REVISE THE CHARTER OF THE CITY OF GLOUCESTER.

Chap. 302

Be it enacted, etc., as follows:

TITLE ONE.

MUNICIPAL GOVERNMENT.

SECTION 1. The inhabitants of the city of Gloucester, for all purposes for which towns and cities are by law incorporated in this Commonwealth, shall continue to be a body politic and corporate under the name of the City of Gloucester, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now pertaining to and incumbent upon said city as a municipal corporation.

City of Gloucester.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in an executive department, which shall consist of one officer, to be called the mayor, and in a legislative department, which shall consist of a single body, to be called the city council, the members thereof to be called councilmen. The executive department shall never exercise any legislative power, and the

Administration of municipal affairs, etc.

legislative department shall never exercise any executive power, except as hereinafter provided.

Eight wards.

SECTION 3. The territory of said city shall be divided into eight wards, as at present constituted, until the same shall be changed in accordance with law.

TITLE TWO.

ELECTIONS AND MEETINGS.

Calling of elections.

SECTION 4. All elections for national, state, county, district and municipal officers, and for other purposes, shall be called by order of the city council, according to the provisions of the general laws of the Commonwealth.

Municipal election and municipal year.

SECTION 5. The annual municipal election shall be held on the first Tuesday in December, and the municipal year shall begin at ten o'clock in the forenoon on the first Monday of January next following.

Certain officers to be elected by ballot, etc.

SECTION 6. At such municipal election the qualified voters shall give in their votes in the several wards for mayor, president of the city council, councilmen at large, school committee, commissioners of public works, and assessors, or such of them as are to be elected by and from the qualified voters of the city at large as provided in this act, and three councilmen and one assistant assessor from each ward, to be elected by and from the qualified voters in each ward respectively, all on one ballot, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office the several persons up to the number required to be chosen receiving the highest number of votes shall be deemed and declared elected. If it shall appear that there is no choice of mayor, or of a president of the city council, or if the person elected mayor or president of the city council shall refuse to accept office, or shall die before qualifying, or if a vacancy in either of said offices shall occur subsequently and more than three months previous to the expiration of the municipal year, the city council shall forthwith order a special election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor and president of the city council, and shall be repeated until the election of the mayor or the president

Vacancy in office of mayor or president of city council.

of the city council is completed. If the full number of councilmen from wards has not been elected, or if a vacancy in the office of ward councilman shall occur subsequently and more than three months previous to the expiration of the municipal year, the city council shall forthwith order a special election to be held in the ward to fill the vacancy.

Vacancy in
office of ward
councilman.

SECTION 7. General meetings of the citizens qualified to vote may from time to time be held according to the right secured to the people by the constitution of this Commonwealth, and such meetings may, and, upon the request in writing of fifty qualified voters setting forth the purposes thereof, shall be duly called by the city council.

General meet-
ings of qualified
voters.

TITLE THREE.

THE LEGISLATIVE DEPARTMENT.

SECTION 8. The city council shall be composed of nine councilmen at large and twenty-four ward councilmen, who shall sit and act as one legislative body and shall constitute the city council of the city of Gloucester. They shall be elected as follows:—The nine councilmen at large shall be elected by and from the qualified voters of the entire city, and in voting for such councilmen at large no voter shall vote for more than five, and the nine having the highest number of votes shall be declared elected; and three councilmen from each of the eight wards shall be elected by and from the qualified voters respectively in each ward. They shall hold office for the municipal year beginning with the first Monday in January next following their election, and until a majority of the succeeding city council are elected and qualified. The councilmen shall receive no compensation for their services.

City council,
election, term,
etc.

SECTION 9. The mayor elect, the president elect, and councilmen elect, shall annually, on the first Monday of January, at ten o'clock in the forenoon, meet and be sworn to the faithful discharge of their duties. The oath shall be administered by the city clerk, or in his absence by any justice of the peace, and shall be duly certified on the journal of the city council. In case of the absence of the mayor elect or the president elect on the first Monday of January, or if a mayor or president shall not then have been elected, the oath of office may at any time thereafter be administered to either of them in the presence of the

Oath of office
of mayor, presi-
dent of city
council, etc.

city council; and at any time thereafter in like manner the oath of office may be administered to any member of the city council who has been previously absent or subsequently elected; and every oath shall be duly certified as aforesaid. After the oath has been administered to the president and the councilmen present the city council shall be called to order by the president. In case of his absence the councilmen shall be called to order by the city clerk. The city clerk shall be clerk of the city council, but these offices shall nevertheless remain distinct and independent. The clerk of the city council shall keep a journal, containing a record of the proceedings of the city council, and a record at large of all votes taken by roll call, and he shall engross, sign and attest all ordinances and resolutions of the city council.

City clerk to be clerk of council, etc.

President of city council, term, rights and powers, etc.

SECTION 10. The president of the city council shall hold office for the municipal year beginning with the first Monday in January next following his election and until a successor is elected and qualified. He shall preside at the meetings of the city council and have all the rights and powers of a presiding officer, shall appoint all committees of the city council, and may at any time address the city council, but shall have no vote unless the city council is equally divided. His succession to the office of acting mayor under the provisions of section twenty-three of this act shall constitute a temporary vacancy in the office of president, and the city council shall elect by ballot one of their number to act as president pro tempore during such temporary vacancy.

Vacancy in office of councilman at large.

SECTION 11. If the full number of councilmen at large has not been elected at the annual municipal election, or if a vacancy occurs thereafter in the office of councilman at large, the city council shall forthwith elect by a majority ballot of all the members thereof a qualified voter of the city, not a member of the city council, to fill the vacancy for the remainder of the municipal year. Should there fail to be a choice of a member of the board of commissioners of public works, or of assessors, at the annual municipal election, or should a vacancy thereafter occur in either of the above-named boards, by resignation or otherwise, such vacancy shall be filled for the remainder of the municipal year by the city council in the same manner as a vacancy in the office of councilman at large, and at the next annual municipal election there shall be

Vacancy in board of commissioners of public works or assessors.

elected on the general ticket, in addition to the members of the above-named boards then to be elected for the term of three years, such other members for the unexpired terms as may be necessary to fill vacancies, so that the term of but one member of a board shall expire in the same year. In case there should fail to be a choice of an assistant assessor in any ward at the annual municipal election, or should a vacancy thereafter occur, the city council may by ballot elect a qualified voter in the ward wherein occurred the vacancy, to serve as assistant assessor for the remainder of the municipal year.

Vacancy in office of assistant assessor.

SECTION 12. The mayor may at any time call a special meeting of the city council, and shall call a special meeting upon request in writing of one third of the members thereof. The mayor shall cause written notice of such special meeting, with a statement of the subjects to be considered thereat, to be given in hand to each member, or to be left at his usual place of residence at least twenty-four hours previous to the time appointed for such meeting; and no final action shall be taken at such special meeting on any business not stated in such notice, except with the unanimous consent of all the members of the city council.

Special meetings of city council.

SECTION 13. The city council shall determine the rules of its own proceedings and shall be the judge of the election and qualifications of its own members. The city council shall sit with open doors and the journal of its proceedings shall be open to public inspection. The vote of the city council upon any question shall be taken by roll call when the same is requested by two members. A majority of all the members of the city council shall be required to constitute a quorum, but a smaller number may adjourn from day to day. In the absence of the president the city council shall choose one of their number to act as president pro tempore, and a plurality of the votes cast shall be sufficient for a choice.

City council to determine rules of its proceedings, be judge of election of its members, etc.

Quorum, etc.

SECTION 14. The city council shall annually in the month of January elect by affirmative vote of a majority of all the members thereof, taken by ballot, a treasurer, a collector of taxes, who may be the treasurer, a city clerk, and a city auditor, who shall hold office beginning with the first Monday of the following February and until their successors are chosen and qualified: *provided, however*, that any of the officers named in this section may be

Treasurer, city clerk, etc., election, term, etc.

Proviso.

removed at any time by said city council for sufficient cause, by a majority vote of all the members thereof. The said treasurer, tax collector, auditor, and city clerk, shall perform such duties as may be prescribed by ordinance, and they shall perform all the duties and exercise all the powers imposed or conferred upon them by law.

City council,
powers and
duties.

SECTION 15. The city council shall, except as is otherwise provided herein, have and exercise all the legislative powers, authorities and duties of towns, the powers of boards of aldermen, and of the mayor and aldermen and city councils or common councils of cities under the general laws, and the powers now vested in the city of Gloucester or in the city council, the common council, the aldermen, or the mayor and aldermen of said city, by special laws. The city council shall, with the approval of the mayor, have exclusive authority and power to order the laying out, locating anew, altering, widening or discontinuing of town ways, streets and highways, and to order specific repairs or a change of grade, without any appeal therefrom to the county commissioners. Whenever in the opinion of the city council the public necessity and convenience require that a highway or street should be laid out, or that any existing highway, street or town way should be laid out anew, altered, widened or discontinued, or that specific repairs or a change of grade should be made thereon, said city council shall appoint a time and place for a public hearing, and shall cause a notice thereof and of its intentions in the matter to be given, as now required by general laws in the case of town ways. Said hearing may be adjourned from time to time if the city council deem it necessary; and after said hearing said city council shall determine what action the public necessity and convenience require, and the way or street shall be laid out, located anew, altered, widened or discontinued, or specific repairs or a change of grade shall be made if so determined. The damages sustained by any person thereby shall be assessed and awarded by said city council, and any person aggrieved by the assessment of his damages or other action of the city council under this section may have the remedies provided by general laws in the case of town ways. All expenditure of money for material and labor required at any time under the provisions of this section shall be made under the direction and management of the board of public works. No street

Streets, high-
ways, etc.

Damages.

Expenditure of
money.

or way shall hereafter be opened over any private land and dedicated to or permitted to be used by the public, by the owners, lessees or occupants thereof, until the width, location and grade of the same shall have been approved by the mayor and city council.

Width, etc., of streets to be approved.

SECTION 16. Every ordinance, order, resolution or vote which involves the appropriation or expenditure of money to an amount which may exceed one hundred dollars, the laying of an assessment, or the granting to a person or corporation of any right over or under any street or other public ground of said city, shall be read twice, with an interval of at least seven days between the two readings, before being finally passed, and the vote upon its final passage shall be taken by roll call.

Certain ordinances to have two readings, etc.

SECTION 17. Every ordinance, order, resolution or vote of the city council, except such as relates to its own internal affairs, to its own officers or employees, to the election of the city clerk, auditor, tax collector and treasurer, to the declaration of a vacancy in the office of mayor and the removal of other officers, shall be presented to the mayor for his approval or disapproval, and like proceedings shall be had thereon as are in such cases provided by the general laws relating to cities.

Certain ordinances to be subject to approval of mayor, etc.

SECTION 18. The city council shall have power within said city to make and establish ordinances and by-laws, and to affix thereto penalties as herein and by general law provided, without the sanction of any court or justice thereof: *provided, however*, that all by-laws and regulations now in force in the city of Gloucester and not inconsistent herewith shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force.

City council may establish ordinances, affix penalties, etc.

Proviso.

SECTION 19. No member of the city council shall during the term for which he is elected hold any other office in or under the city government, nor have the expenditure of any money appropriated by the city council, or act as counsel in any matter before the city council or any committee thereof, and no person shall be eligible for appointment to any municipal office established by the city council during any municipal year for which he is elected councilman, until the expiration of the succeeding municipal year.

Members of city council not to hold other city office, etc.

TITLE FOUR.

EXECUTIVE DEPARTMENT.

Executive powers vested in mayor, etc.

SECTION 20. The mayor shall have and exercise all the executive powers of the city, to be carried into effect by himself or through the several boards or officers in their departments, under his general supervision and control. He shall communicate to the city council such information and recommend such measures as in his judgment the interests of the city shall require, and shall cause the laws, ordinances and orders for the government of the city to be obeyed. The mayor shall hold office for the municipal year beginning with the first Monday in January next following his election and until his successor is elected and qualified. He shall cause a record of all his official acts to be kept, and his salary shall be twelve hundred dollars per annum, and such additional sums as the city council may establish by ordinance passed by vote of two thirds of all the members thereof; such ordinance however shall not take effect until the year succeeding that in which it was passed.

Term of office, salary, etc.

Mayor suspend officers for cause, etc.

SECTION 21. The mayor may in writing suspend any officer for cause, and he shall at once report his action and his reasons therefor to the city council. The suspension of any officer shall, in fifteen days after the said report is made, be a removal, unless within that time the officer asks for a hearing before the city council, which shall forthwith be granted; and if after such hearing the city council votes that the mayor's suspension be not sustained the officer shall at once be reinstated.

To appoint certain executive officers, etc.

SECTION 22. The mayor shall appoint, subject to confirmation or rejection by the city council, the executive officers established by or under this act, unless their election or appointment is herein otherwise provided for. In case of any vacancy in the office to which appointment is made by the mayor he may personally perform the duties thereof, but shall not be entitled to receive any salary or pay attaching thereto.

President of city council to act in case of vacancy in office of mayor, etc.

SECTION 23. Whenever there is a vacancy in the office of mayor, or whenever by reason of sickness, absence from the city or other cause the mayor shall be unable to attend to the duties of the office, the president of the city council shall, as acting mayor, exercise all the rights and

powers of the mayor during such vacancy, inability or absence, but shall not make any permanent appointment unless authorized by vote of the city council.

TITLE FIVE.

SCHOOL COMMITTEE.

SECTION 24. The school committee shall consist of the mayor, who shall be ex officio chairman of the board, and nine other persons, three to be chosen at each annual election and to hold office for the term of three years from the first Monday in January next following. The present school committee shall continue to hold office until the expiration of the term for which they were elected. The school committee shall serve without pay, and shall have the care and superintendence of the public schools, and the appointment of all janitors of school buildings, who shall be under their direction and control. All the rights and obligations of the city of Gloucester in relation to the grant and appropriation of money to the support of schools, and the special power and authority heretofore conferred by law upon the inhabitants of said city to raise money for the support of schools therein, shall be merged in the powers and obligations of the city under this charter, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools and the erection and repair of schoolhouses in said city shall be made by the city council, in the same manner as grants and appropriations are made for other city purposes. Should there fail to be a choice of members of the school committee at the annual election the vacancies shall be filled by a joint ballot of the city council and school committee, and vacancies thereafter occurring shall be filled in like manner.

School committee, election, term, etc.

Vacancy.

SECTION 25. The school committee shall on the first Monday in June, or as soon thereafter as may be, choose by a vote of a majority of its members, but not from their number, a superintendent of schools, who shall be under their direction and control. Such superintendent shall hold office for the term of one year from the first Monday in July in the year of his election unless sooner removed by a vote of a majority of all the members of the school committee.

Superintendent of schools, election, term, etc.

TITLE SIX.

DEPARTMENTS AND ADMINISTRATIVE OFFICERS.

Department and
administrative
officers.

SECTION 26. There shall be the following department and administrative officers, who shall perform the duties imposed upon them respectively by law and by this act, and such further duties, not inconsistent with the nature of their respective offices, as the city council may prescribe.

Board of public
works.

I. A board of public works, to consist of three commissioners, to be elected by the qualified voters at large at the first municipal election after the acceptance of this act; one for the term of one year, one for the term of two years and one for the term of three years from the first Monday in January next following; and thereafter annually by the voters at large on the general ticket at the annual municipal election, one commissioner of public works to serve for the term of three years. The board of public works shall have the control, except as provided in section fifteen of this act, of the construction, alteration, repair, maintenance, care and management of ways, streets, highways, sidewalks and bridges, and the lighting and watering thereof, of the construction, extension, alteration, repair and care of public sewers and drains, and of the construction, alteration, repair, maintenance and care of all the public buildings, except that the use and occupancy of the public school buildings and grounds shall be under the control of the school committee, the use and occupancy of the engine houses and buildings and grounds of the fire department shall be under the control of the fire commissioner, the public parks shall be under control of the park commissioners, and the Huntress Home shall be under the control of the trustees of the home. Said board of public works shall also have the care, superintendence and management of the public grounds belonging to the city; the care and control of the shade and ornamental trees standing in the streets and public ways; the supervision of electric light, street railway, telephone and telegraph wires, and electric light, street railway, telephone and telegraph poles, and gas pipes, and of the erection and removal thereof. Said board shall further have and exercise the powers and authority vested by laws of the Commonwealth in superin-

tendents of streets, surveyors of highways, road commissioners of towns, sewerage commissioners, and inspectors of buildings, and shall annually appoint a superintendent of streets, to act under their direction, and may employ engineers, clerks and such other assistants as they deem necessary, and may fix the compensation of their appointees. No person or corporation authorized by law or the city council to dig up any public street or sidewalk in said city shall begin such digging before furnishing to the board of public works security satisfactory to them to restore such street or sidewalk to its former condition.

II. A water department, to be under the charge of three commissioners, to be appointed in the manner provided by chapter four hundred and fifty-one of the acts of the year eighteen hundred and ninety-five. The present members of the board of water commissioners shall continue to hold their respective offices according to the tenure thereof. The board of water commissioners shall exercise the powers and discharge the duties granted to and imposed upon them by law, and shall have charge of the construction, repair and maintenance of the water works, and shall also exercise all the powers and duties granted to and imposed upon the city of Gloucester by chapter four hundred and fifty-one of the acts of the year eighteen hundred and ninety-five, including the purchase or taking of land or other property or rights.

III. A fire department, to be under the charge of one fire commissioner, to be appointed by the mayor and confirmed by the city council, who shall hold office for the term of two years from the first Monday in February next following his appointment. The fire commissioner shall appoint the chief engineer and such assistant engineers as the city council shall from time to time prescribe, also the superintendent of the fire alarm telegraph, and, upon the recommendation of the board of engineers, such officers and members of the fire department as the city council may from time to time determine. The chief engineer shall hold office for the term of one year beginning with the first Monday in February next following his appointment. The fire commissioner shall have charge of the engines and apparatus, of hydrants and all movable property appertaining to the fire department, and the control and management of all the affairs pertaining to the fire department of said city.

Police
department.

IV. A police department, to consist of a city marshal and such number of patrolmen and other officers of the department as the city council may determine. The city marshal shall hold office for one year and until his successor is appointed and duly qualified, unless sooner removed. The mayor shall have exclusive power to appoint the city marshal, and to remove him whenever in his judgment the interest of the city may require. The order for his removal shall be filed in the office of the city clerk. The mayor shall also have the exclusive power to appoint all other members of the police department, to hold office during good behavior, but he may remove any such member for cause, in the manner provided in section twenty-one of this act. The police department shall be under the charge of the city marshal.

Board of
health.

V. A board of health, to be elected as follows:—In the month of January next following the acceptance of this act the city council shall elect by ballot two qualified voters, one to serve for the term of one year and one to serve for the term of two years from the first Monday in February next following, who, together with the city physician, ex officio, shall constitute the board of health of the city of Gloucester; and thereafter annually in the month of January the city council shall elect by ballot a qualified voter of the city to serve as a member of the board of health for the term of two years from the first Monday in February next following. The board of health shall also be commissioners of public cemeteries, and shall have the general care, direction and control of public burying places, and all work in and upon the same, and shall have and exercise all the powers and duties incumbent upon boards of health by the laws of the Commonwealth and the ordinances of the city of Gloucester.

Assessing
department.

VI. The assessing department, to be under the charge of three assessors, to be elected by ballot by and from the qualified voters at large at the annual municipal election, to serve for the term of three years from the first Monday in January next following their election. The present members of the board of assessors shall continue to hold their respective offices according to the tenure thereof, and at the first municipal election after the acceptance of this act the city council shall provide for the election of the member to fill the vacancy occurring at the end of the municipal year, so that the term of but one assessor shall expire in the same year.

VII. The law department, to be under the charge of the city solicitor, who shall be elected annually by the city council by ballot during the month of April, for the term of one year from the first day of May next following. He shall perform all legal services required by the city, and attend to all proceedings at law or in equity in which the city is a party, and to all claims presented to the city council. For said purposes he shall have sole charge of all such matters and proceedings. He shall give in writing his legal opinion upon any of the municipal affairs of the city, upon the request of the mayor or the city council, and in addition shall give his opinion of the law relating to the municipal affairs in any department, upon request made by the head of such department.

Law
department.

VIII. The engineer department, to be under the charge of the city engineer.

Engineer
department.

IX. The city clerk department, to be under the charge of the city clerk.

City clerk
department.

X. The treasury department, to be under the charge of the city treasurer.

Treasury
department.

XI. The collecting department, to be under the charge of the collector of taxes.

Collecting
department.

XII. The auditing department, to be under the charge of the city auditor.

Auditing
department.

XIII. The charity department, to be under the charge of three overseers of the poor. There shall be elected annually in the month of January, by ballot of the city council, one overseer of the poor for the term of three years from the first Monday in February next following his election. The present members of the board of overseers of the poor shall continue to hold office for the term for which they were severally elected.

Charity
department.

XIV. The sinking fund department, to be under the charge of three commissioners, to be elected by the city council by ballot, to have the control and management of the sinking funds of the city of Gloucester, subject to the laws relating thereto.

Sinking fund
department.

XV. A public park department, to be under the charge of five park commissioners, as now established by law, who shall have the control and management of the public parks of the city of Gloucester, subject to the laws relating thereto. Said commissioners shall be appointed by the mayor, subject to confirmation by the city council, and the present commissioners shall continue to hold office for the term for which they were severally appointed.

Public park
department.

Trustees of
Huntress
Home.

City physician.

Additional
administrative
offices may be
established.

Certain officers
to be appointed
by the mayor
annually, etc.

Officers and
boards to be
deemed public
officers.

XVI. A board of trustees of the Huntress Home.

XVII. A city physician, who shall be appointed by the mayor, with the approval of the city council, for a term of three years.

XVIII. The city council may by ordinance establish additional administrative offices and define the duties of the incumbents thereof, and such officers shall be subject to the provisions of this act.

XIX. The above-named officers and members of boards shall, unless otherwise provided by this act or by law, be appointed annually in the month of January by the mayor, subject to confirmation by the city council, and shall hold office for the term of one year from the first Monday of February next following their appointment. All of said officers, including members of said boards, whether elected at large or by the city council, or appointed by the mayor, shall be sworn to the faithful discharge of their duties and shall hold office until their respective successors are elected or appointed and qualified.

XX. All officers and boards shall, in the exercise of the duties imposed upon them, be deemed to be public officers, and for their acts the city shall not be liable, except so far as liability may now exist for the acts of public officers performing the same duties.

TITLE SEVEN.

GENERAL PROVISIONS.

Boards to elect
permanent
chairmen, etc.

SECTION 27. Each of the above-named boards shall at its first meeting, on or after the first Monday in February in each year, or as soon thereafter as may be, choose by ballot a permanent chairman from among its members, unless otherwise provided. No person shall be chosen permanent chairman unless he shall receive the votes of a majority of all the members of the board, and he may be removed from such chairmanship by the like vote. Each of said boards shall, unless it have a clerk as hereinbefore provided, choose a secretary from among its members, in the same manner as above prescribed for the choice of a chairman, and may remove him in the like manner.

City auditor,
powers and
duties.

SECTION 28. The city auditor shall, on the first business day of every month, audit all accounts in which the city is concerned as debtor or creditor, and shall report to the city council as it may direct. He shall have access at all

times during business hours to all the books and vouchers of the city treasurer.

SECTION 29. The chairman of the board of public works, chairman of the board of water commissioners, a member of the school committee appointed for that purpose, fire commissioner, and city auditor, shall be respectively entitled to seats with the city council, and shall have the right to discuss all matters relating to their respective departments of city affairs, but shall have no right to vote. They shall be notified in like manner with the councilmen of all meetings of the city council. The mayor may at any time address the city council in person.

Certain officers entitled to seats with city council, etc.

SECTION 30. The administrative officers and boards above-named in this title, and all administrative officers and boards established by the city council and not coming within the department of any officer or board so above-named, shall have the power, except as herein otherwise provided, to appoint or employ and to remove or discharge all clerks and employees in their respective departments. Such appointments shall not be for any specified term but shall hold good until the incumbent is removed or discharged. Orders of removal shall state the grounds thereof, and shall be entered upon the records of the officer or board making the same, and removals shall take effect upon the filing of the copy of such order with the city clerk, who shall record the same in a book provided for the purpose, which book shall be open to public inspection.

Administrative officers, etc., may appoint or remove clerks, etc.

SECTION 31. Every board, and every officer above-named who is not a member of a board, shall keep a record of all official transactions, and such record shall be open to public inspection.

Record of official transactions to be kept.

SECTION 32. The city council shall require the treasurer, and such other officers as are entrusted with the receipt, care and disbursement of public money, to give bonds with such surety as it shall deem proper, for the faithful discharge of their respective duties.

Certain officers to give bonds.

SECTION 33. No person shall be elected or appointed to any office established by this act unless at the time of such election or appointment he has been a citizen of the United States for at least one year, nor to any office, except on the board of public works, or in the fire department, or to the office of city marshal, or superintendent of schools, unless at the time of such election or appoint-

Certain persons not eligible.

ment he has been a resident of the city for at least one year.

Offices to become vacant under certain conditions.

SECTION 34. Any office established by or under this act shall become vacant if the incumbent thereof ceases to be a resident of the city. The conviction of the incumbent of any office of a crime punishable by imprisonment shall operate to create a vacancy in the office held by him.

Estimate of expenses, etc.

SECTION 35. The school committee and every officer and board having the expenditure of money shall annually, on or before the first day of November, furnish to the mayor an itemized estimate of the money required for the ensuing financial year. The mayor shall examine such estimates and shall, on or before the fifteenth day of November, submit them, with his itemized and detailed recommendations thereon, to the city council. Said city council shall, on or before the fifteenth day of December in each year, appropriate the amount necessary to meet the expenditures of the following year, and such appropriation shall not thereafter be increased nor any subsequent appropriation made unless by a vote of two thirds of all the members, taken by ye and nay. No expenditure of public money from the annual appropriation order shall be authorized, except by a vote of a majority of all the members of the city council taken by ye and nay. No expenditure of public money shall be made by any officer or board, nor any liability incurred by or on behalf of the city, beyond the amount duly appropriated therefor, set forth and contained in the annual or subsequent appropriation order of the city council.

Appropriations, expenditures, etc.

Salaries of city officers, etc.

SECTION 36. The city council shall establish by ordinance the regular salaries or remuneration of the officers provided for by this act, in case the same is not fixed herein, and of such other officers as may be hereafter provided for; and no ordinance of the city council changing any such salary or remuneration shall take effect until the municipal year succeeding that in which the ordinance is passed. Such salary shall be in full for all services rendered to the city by the officer receiving the same.

No money to be paid from treasury unless granted or appropriated, etc.

SECTION 37. The city council shall take care that no money is paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties and sureties from all persons entrusted with the receipt, custody or

disbursement of money. It shall as often as once a year cause to be published for the use of the inhabitants a particular account of the receipts and expenditures of said city for that year, and a schedule of all of the city property and of the city debt.

Account of receipts and expenditures to be published, etc.

SECTION 38. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made nor liability incurred by or in behalf of the city until an appropriation has been duly voted by the city council sufficient to meet such expenditure or liability, together with all unpaid prior liabilities which are payable out of such appropriation.

Sums appropriated for a specific purpose not to be expended for any other purpose, etc.

SECTION 39. Nothing herein contained shall affect the enforcement of the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, being "An Act to improve the civil service of the Commonwealth and the cities thereof", or of any acts in amendment thereof or in addition thereto, or of the rules made by the commissioners appointed thereunder; and the city council shall make sufficient and proper appropriations for carrying out and enforcing said act and such rules in said city.

Civil service.

SECTION 40. Administrative boards, and officers having charge of a department shall, within their respective departments, employ all labor, make out and execute all necessary contracts, purchase all materials and supplies, and shall in general have the immediate direction and control of all executive and administrative business; and they shall at all times be accountable for the proper discharge of their duties to the mayor, as chief executive of the city. All contracts made by any officer or board shall, when the amount involved is three hundred dollars or more, be in writing, and no such contract shall be deemed to have been executed until the approval of the mayor is affixed thereto. All such contracts shall be accompanied by a bond with sureties satisfactory to the officer or board having the matter in charge, or a deposit of money or other securities for the faithful discharge of such contract, and such bond, money or other securities shall be deposited with the city clerk until the contract shall have been carried out in every respect; and no such contract shall be altered except by written agreement of the contractor, the sureties on his bond, and the officer or board making the contract, with the approval of the mayor affixed thereto.

Certain officers, etc., may employ labor, make necessary contracts, etc.

May advertise
for proposals
for work or
supplies, etc.

SECTION 41. Whenever mechanical or other work is necessary to be done or supplies are required for the city at a cost amounting to one hundred dollars or more the board or committee having the matter in charge shall invite proposals therefor by advertisements in not more than two newspapers published in said city, such advertisements to state the time and place for opening the proposals in answer to such advertisements, and the right reserved to said board or committee to reject any or all proposals. Every proposal for doing such work or making such sale shall be accompanied by a certificate of deposit for the sum of not less than twenty-five dollars, and in no case for a less sum than five per cent. of the amount of the proposal, for the faithful performance of such proposal; and all such proposals shall be kept by the officer or board inviting the same, and shall be open to public inspection after said proposals have been accepted or rejected. Should the party to whom the award is made fail to perform the obligations of his agreement the amount of the certificate of deposit shall thereby become forfeited to the city.

City council to
establish
fire limits, etc.

SECTION 42. The city council shall establish fire limits within the city, and from time to time change or enlarge the same; and may by ordinance regulate the construction of all buildings erected within said fire limits, stipulating their location, size, and the material of which they shall be constructed, and may make such other rules and regulations as shall tend to prevent damage by fire, provided the same are not inconsistent with the laws of the Commonwealth.

Repeal, etc.

SECTION 43. All acts or parts of acts inconsistent with this act are hereby repealed, but the passage of this act shall not affect any right accruing or accrued, or any suit, prosecution or other legal proceeding pending at the time when it shall take effect by acceptance, as herein provided, and no penalty or forfeiture previously incurred shall be affected thereby. All persons holding offices in said city at the time this act shall be accepted as aforesaid shall continue to hold such offices until the organization of the new city government hereby authorized is effected, and until their respective successors are chosen and qualified. All the by-laws and ordinances of the city of Gloucester which are in force at the time when said acceptance takes effect, and which are not inconsistent with the provisions

of this act, shall continue in force until the same are repealed by the city council. No act which has been heretofore repealed shall be revived by the repeal of the acts mentioned in this section.

SECTION 44. The question of the acceptance of this act shall be submitted to the legal voters of the city of Gloucester at the annual state election in the present year. The vote shall be taken by ballot in accordance with the provisions of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three and acts in amendment thereof and in addition thereto, so far as the same shall be applicable, in answer to the question: "Shall an act passed by the general court in the year 1898, entitled 'An Act to revise the Charter of the City of Gloucester', be accepted?" and the affirmative votes of a majority voting thereon shall be required for its acceptance. In case this act shall fail to be thus accepted by the voters of said city at its first submission under this section it may, at the next annual state election, be again thus submitted for acceptance, but not after two years from the passage thereof.

Submission of question of acceptance.

SECTION 45. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of the said city shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said city as above-provided.

When to take effect.

Approved April 12, 1898.

AN ACT TO AUTHORIZE THE HANOVER STREET RAILWAY COMPANY TO ACT AS A COMMON CARRIER OF SMALL PARCELS, AND OF THE UNITED STATES MAIL.

Chap. 303

Be it enacted, etc., as follows:

SECTION 1. The Hanover Street Railway Company may act as a common carrier of small parcels of merchandise, and may also carry the United States mail: *provided*, that said company shall not so act in any town until authorized to do so by a two thirds vote of the voters of said town present and voting thereon at an annual or special meeting called for the purpose; and *provided, further*, that said company shall in the carrying of parcels be subject to such by-laws and regulations as may from time to time be made by said towns; and shall also be subject to the provisions of chapter seventy-three of

May act as a common carrier of small parcels, etc. Provisos.

the Public Statutes and to all laws relating to common carriers.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

Chap.304 AN ACT TO AUTHORIZE THE ROCKLAND AND ABINGTON STREET RAILWAY COMPANY TO ACT AS A COMMON CARRIER OF SMALL PARCELS, AND OF THE UNITED STATES MAIL.

Be it enacted, etc., as follows:

May act as a common carrier of small parcels, etc.

Provisos.

SECTION 1. The Rockland and Abington Street Railway Company may act as a common carrier of small parcels of merchandise, and may also carry the United States mail: *provided*, that said company shall not so act in any town until authorized to do so by a two thirds vote of the voters of said town present and voting thereon at an annual or special meeting called for the purpose; and *provided, further*, that said company shall in the carrying of parcels be subject to such by-laws and regulations as may from time to time be made by said towns; and shall also be subject to the provisions of chapter seventy-three of the Public Statutes and to all laws relating to common carriers.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

Chap.305 AN ACT TO AUTHORIZE THE TOWN OF LINCOLN TO RELEASE CERTAIN LANDS AND EASEMENTS.

Be it enacted, etc., as follows:

May release certain lands, etc., to George G. Tarbell and Helen V. V. Warren.

SECTION 1. The town of Lincoln, for the purpose of compromising the claims of George G. Tarbell and Helen V. V. Warren, on account of damages occasioned to their respective estates by reason of certain alleged takings of land made by the water commissioners of said town on the tenth day of March in the year eighteen hundred and ninety-six, is hereby authorized to release to the said Tarbell and Warren, respectively, such lands and such rights and easements therein as the said town may deem proper, and the selectmen are authorized in the name of the town to execute and deliver to the said owners such releases, in conformity with this act, as the town has directed or may hereafter direct by vote.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

AN ACT TO EXTEND THE TIME FOR THE COMPLETION AND OPERATION OF THE MILLBURY, SUTTON AND DOUGLAS RAILROAD. *Chap. 306*

Be it enacted, etc., as follows :

SECTION 1. Section seven of chapter three hundred and seventy-two of the acts of the year eighteen hundred and ninety-seven is hereby amended by striking out in the fourth line, the words “one year”, and inserting in place thereof the words :—two years,—and by striking out in the sixth line, the word “two”, and inserting in place thereof the word :—three,—so as to read as follows :—*Section 7.* This act shall be void unless said railroad shall be located within six months after the passage of this act, and the work of construction of said railroad upon said location shall be actually commenced within two years after the passage of this act, and unless said railroad shall be completed and in actual operation within three years after the passage of this act.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

AN ACT RELATIVE TO THE EMPLOYMENT OF PRISONERS OF THE MASSACHUSETTS REFORMATORY UPON LANDS AND BUILDINGS OWNED BY THE COMMONWEALTH. *Chap. 307*

Be it enacted, etc., as follows :

SECTION 1. Section thirty-two of chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-four is hereby amended by striking out in the third and fourth lines, after the word “Commonwealth”, the words “in the town of Concord”, and by striking out the word “land”, in the fourth line, and inserting in place thereof the words :—lands or buildings,—so as to read as follows :—*Section 32.* Prisoners confined in said reformatory may be employed, in the custody of an officer, upon any lands or buildings owned by the Commonwealth, and whoever escapes from said lands or buildings shall be deemed to have escaped from said reformatory.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

1897, 372, § 7,
amended.

Time extended.

1884, 255, § 32,
amended.

Prisoners may
be employed
upon lands,
buildings, etc.

Escape.

Chap.308 AN ACT RELATIVE TO THE CONSTRUCTION, MAINTENANCE AND INSPECTION OF BUILDINGS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

1892, 419, § 23,
amended.

Construction,
etc., of first
class buildings
in the city of
Boston.

Section twenty-three of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby amended by adding at the end of said section the following words:—And all such buildings hereafter erected which are used above the first floor as warehouses or stores for the storage or sale of merchandise shall not exceed one hundred feet in height, and shall be so divided by brick partition walls of the thickness prescribed for bearing partition walls, and carried thirty inches above the roof, that no space inside any such building shall exceed in area ten thousand square feet,—so as to read as follows:—*Section 23.* A first class building shall consist of non-inflammable material throughout, with floors constructed of iron or steel beams filled in between with terra cotta, or other masonry arches, except that wood may be used for under and upper floors, window and door frames, sashes, doors, standing finish, hand rails for stairs, necessary sleepers bedded in concrete, and for isolated furring blocks bedded in the plaster. There shall be no air space between the top of any floor arches and the floor boarding, and no air space behind any woodwork. And all such buildings hereafter erected which are used above the first floor as warehouses or stores for the storage or sale of merchandise shall not exceed one hundred feet in height, and shall be so divided by brick partition walls of the thickness prescribed for bearing partition walls, and carried thirty inches above the roof, that no space inside any such building shall exceed in area ten thousand square feet.

Approved April 12, 1898.

Chap.309 AN ACT TO INCORPORATE THE PLYMOUTH AND SANDWICH STREET RAILWAY COMPANY.

Be it enacted, etc., as follows :

Plymouth and
Sandwich
Street Railway
Company
incorporated.

SECTION 1. William H. Brine, Horace B. Taylor, William B. Arnold, Thomas Arnold, Edward P. Boynton, Thomas E. Cornish, Charles C. Doten, Daniel E. Damon, Freeman H. Holmes, Elisha W. Ellis, William H. Hawley and Alonzo Warren, their associates and successors, are

hereby made a corporation under the name of the Plymouth and Sandwich Street Railway Company, with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws which now are or hereafter may be in force relating to street railway companies.

SECTION 2. Said company may locate, construct, maintain and operate its railway with a single or double track, in such manner as may be convenient and necessary, in part upon private land acquired by purchase or lease, and upon streets, highways or state roads in the towns of Plymouth, Bourne and Sandwich, subject to the approval and control of the selectmen of said towns, as provided by general law, and subject also to the approval of the Massachusetts highway commission as to any part of said railway located upon a state highway. The location of said railway outside the public streets and highways shall not exceed fifty feet in width, with convenient turn-outs and switches. The most northerly or northwesterly terminus of said railway shall not be north or northwesterly of a line drawn northeasterly and southwesterly, through the center of the Hotel Pilgrim and South pond, in the town of Plymouth.

May construct, etc., its railway in certain towns.

Location.

SECTION 3. Said company may maintain and operate its railway by any motive power other than steam, and may erect and maintain poles and wires on private lands purchased or leased for the purposes of said railway, and, with the consent of the board of selectmen, may erect such poles and wires and may make such excavations in the streets and highways as may be necessary to establish and maintain such motive power. It may acquire by purchase or lease all real estate and water power required for its power stations, tracks, poles, wires, car houses and other uses incident to the proper maintenance and operation of its railway.

Motive power, etc.

SECTION 4. The capital stock of said company shall not exceed one hundred thousand dollars, provided that said company may increase its capital stock, subject to the provisions of the general laws relative thereto.

Capital stock.

SECTION 5. Said company, in order to meet expenses incurred under this act, may issue bonds not exceeding the amount of its capital stock, and payable within a period not exceeding thirty years from the date thereof, secured by mortgage of its franchise and property, subject

May issue mortgage bonds, etc.

to the general laws relative thereto, and in such mortgage may reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become unsuitable for use, provided an equivalent in value is substituted therefor.

May carry on
an express
business, etc.

SECTION 6. Said company is hereby authorized to use its tracks for the transportation of passengers and their baggage, and freight, to carry on an express business, to be a common carrier of goods and merchandise, and to carry the mails upon and over any street or highway, or over any private land upon which it may be authorized to construct its tracks as aforesaid.

May use certain
tracks of the
Plymouth and
Kingston Street
Railway
Company, etc.

SECTION 7. Said company may, when it has constructed its road into the towns of Bourne and Sandwich and up to the terminus of the tracks of the Plymouth and Kingston Street Railway Company, at or near the Hotel Pilgrim at Chiltonville in the town of Plymouth, enter upon and, except for the transportation of passengers, use with its cars the tracks of the Plymouth and Kingston Street Railway Company between said Hotel Pilgrim and the railroad station in the town of Plymouth, upon such terms and conditions and for such compensation as the two companies may agree upon, and subject to such regulations as may from time to time be made by the selectmen of the towns in which said companies operate their roads. If said companies fail to agree upon such terms, conditions and compensation, the same may, upon the petition of either company, be submitted to the board of railroad commissioners for its determination. And the finding of said board shall be final and binding upon each of the said companies, and may be enforced by process issuing out of the supreme judicial court or the superior court.

To be subject
to certain pro-
visions of law.

SECTION 8. Said Plymouth and Sandwich Street Railway Company, in the exercise of the authority granted by the two preceding sections, shall be subject to the provisions of chapter seventy-three of the Public Statutes and to all laws relating to common carriers and express companies.

Road to be
in operation
within three
years, etc.

SECTION 9. The authority herein granted shall cease if the proposed road is not constructed and put in operation within three years from the passage of this act.

SECTION 10. This act shall take effect upon its passage.

Approved April 12, 1898.

AN ACT TO INCORPORATE THE FALMOUTH HARBOR COMPANY.

*Chap.*310

Be it enacted, etc., as follows:

SECTION 1. Robert W. Emmons, second, William B. Bacon, Roland Worthington, Edward N. Fenno, James Arthur Beebe, Charles H. Jones, Edwin P. Boggs, Thomas J. McLane, Herbert H. Lawrence, Joshua C. Robinson, John H. Crocker, William H. Hewins and Harry V. Lawrence, their associates and successors, are hereby made a corporation by the name of the Falmouth Harbor Company, for the purpose of connecting Salt pond, so-called, in the town of Falmouth, with the waters of Vineyard Sound, by making a cut of such width and depth as will enable said Salt pond to be used as a harbor by yachts, pleasure boats and coastwise vessels.

Falmouth
Harbor
Company
incorporated.

SECTION 2. Said corporation may for the purposes set forth in this act hold real estate not exceeding ten thousand dollars in value, and the whole capital stock of said corporation shall not exceed twenty thousand dollars, to be divided into shares of twenty-five dollars each.

Real estate and
capital stock.

SECTION 3. Said corporation for the purposes aforesaid may take by purchase, gift or otherwise and hold in fee all lands, rights of way and easements necessary for so connecting said pond with the sea, and for establishing said harbor, but shall in all respects be subject to the provisions of chapter nineteen of the Public Statutes and of any other laws which now are or hereafter may be in force applicable thereto.

May take and
hold certain
lands, etc.

SECTION 4. Said corporation shall, within sixty days after the taking of any lands, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Barnstable a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the president of the corporation.

Description of
lands, etc., to
be recorded.

SECTION 5. Said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way or easement, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, and failing to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined

Damages.

in the manner provided by law when land is taken for laying out highways, upon application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years.

Town of Falmouth may appropriate a certain sum for maintenance of harbor, etc.

SECTION 6. The town of Falmouth is hereby authorized to raise by taxation a sum of money not exceeding one thousand dollars per year, and to appropriate the same for the maintenance, repair and improvement of said harbor. The harbor when constructed shall be within the provisions of chapter nineteen of the Public Statutes and of all acts in amendment thereof and in addition thereto; and in addition to the powers now possessed the harbor master may annually locate to applicants fixed moorings, for which a reasonable toll may be charged, and the proceeds thereof shall be applied to the preservation and maintenance of the harbor and the entrance thereto, by and in such manner as said corporation may direct.

When to take effect.

SECTION 7. This act shall take effect upon its acceptance by the town of Falmouth at a town meeting legally called for the purpose. *Approved April 12, 1898.*

Chap. 311 AN ACT RELATIVE TO THE DISTRIBUTION OF THE SECOND SUPPLEMENT TO THE PUBLIC STATUTES.

Be it enacted, etc., as follows:

1895, 363, § 3, amended.

Section three of chapter three hundred and sixty-three of the acts of the year eighteen hundred and ninety-five is hereby amended by inserting after the word "eighty-eight", in the fourth line, the words:—chapter sixty of the resolves of the year eighteen hundred and ninety-one, —by striking out the word "of", in the fourth line, and by adding at the end thereof the words:—and ten copies to the compiler of the supplement,—so as to read as follows:—*Section 3.* Copies of such supplement shall be distributed as provided in section four of chapter three hundred and eighty-three of the acts of the year eighteen hundred and eighty-eight, chapter sixty of the resolves of the year eighteen hundred and ninety-one, and chapter two hundred and thirty-eight of the acts of the year eighteen hundred and ninety-five; and one copy shall be furnished each member of the general court of the year eighteen hundred and ninety-five, and ten copies to the compiler of the supplement. *Approved April 12, 1898.*

Distribution of second supplement to Public Statutes.

AN ACT TO PROVIDE FOR THE PAYMENT OF THE EXPENSES OF
THE STATE BOARD OF BAR EXAMINERS. Chap.312

Be it enacted, etc., as follows :

SECTION 1. There shall be allowed and paid to the members of the state board of bar examiners established by chapter five hundred and eight of the acts of the year eighteen hundred and ninety-seven, by the treasurer of the Commonwealth from time to time, upon the approval of a justice of the supreme judicial court, such sums of money as may be certified by the chairman of said board to be required for the expenses of said board. State board of
bar examiners.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

AN ACT TO ENABLE THE CITY OF BOSTON TO FINISH THE CON-
STRUCTION OF ITS PUBLIC PARKS. Chap.313

Be it enacted, etc., as follows :

SECTION 1. The city of Boston shall continue the construction of the public parks of said city, other than playgrounds, and to pay the expenses to be incurred therefor, including payments for land, the city treasurer shall from time to time, on the request of the mayor, issue to the total amount of five hundred thousand dollars, notes, bonds or scrip of said city, payable thirty years from the date thereof, and bearing interest payable at such times and at such rate, not exceeding four per cent. per annum, as shall be fixed by said treasurer: *provided, however,* that the total amount of such bonds, notes or scrip shall not exceed five hundred thousand dollars, and the indebtedness so incurred shall not be taken into account in determining the debt limit of said city; and *provided, further,* that no part of the amount hereby authorized shall be used for the payment of any land not already taken or purchased. Any loan authorized by the city council of said city for the purposes aforesaid, between the first day of January in the year eighteen hundred and ninety-eight and the date of the passage of this act, shall not be taken into account in determining the debt limit of said city, but the loan above authorized shall be reduced by such amount. City treasurer
to issue bonds,
notes or scrip,
etc.

PROVISOS.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

Chap.314 AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO INCUR INDEBTEDNESS FOR SCHOOL PURPOSES, BEYOND ITS DEBT LIMIT.

Be it enacted, etc., as follows:

May incur indebtedness beyond debt limit for school purposes, etc.

SECTION 1. The city of Newburyport, for the purpose of providing additional school accommodations in said city, may incur indebtedness beyond the limit of indebtedness fixed by law for said city, to an amount not exceeding twenty-five thousand dollars. The provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four, and of acts in amendment thereof and in addition thereto, shall, except as herein otherwise provided, apply to the indebtedness hereby authorized and to the securities issued therefor.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

Chap.315 AN ACT RELATIVE TO THE TEMPORARY RELEASE OF CHILDREN FROM TRUANT SCHOOLS.

Be it enacted, etc., as follows:

1894, 498, § 18, amended.

SECTION 1. Section eighteen of chapter four hundred and ninety-eight of the acts of the year eighteen hundred and ninety-four is hereby amended by adding at the end thereof the following words:—and in case of death or serious illness in the immediate family of an inmate of a truant school such judges or justices may order such inmate to be temporarily released for a specified time, either with or without the custody of the superintendent or other officer, and may revoke, extend or otherwise modify such order, the expenses incurred in serving such order to be approved and paid like other expenses of such institution,—so as to read as follows:— *Section 18.* Children so committed may, upon satisfactory proof of amendment or other sufficient cause, be discharged from the state primary school by said state board, and from other places of confinement by the judge or justice who committed them; and in case of death or serious illness in the immediate family of an inmate of a truant school such judges or justices may order such inmate to be temporarily released for a specified time, either with or without the custody of the superintendent or other officer, and may revoke, extend or otherwise modify such order, the

Discharge and temporary release of children from truant schools, etc.

expenses incurred in serving such order to be approved and paid like other expenses of such institution.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

AN ACT RELATIVE TO THE COMPENSATION OF SPECIAL COMMISSIONERS IN COUNTIES.

Chap. 316

Be it enacted, etc., as follows:

SECTION 1. The compensation of special commissioners in counties, as established by existing laws, shall be paid from the treasuries of their respective counties, to a total amount not exceeding one hundred and fifty dollars in any county in any calendar year.

Special commissioners in counties.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

AN ACT TO EXEMPT THE COUNTY OF NANTUCKET FROM THE OPERATION OF CERTAIN STATUTES RELATIVE TO COUNTIES AND COUNTY OFFICERS.

Chap. 317

Be it enacted, etc., as follows:

SECTION 1. Sections six and seven of chapter one hundred and fifty-three of the acts of the year eighteen hundred and ninety-seven, and section one of chapter twenty-three of the Public Statutes as amended by section one of chapter one hundred and twenty-eight of the acts of the year eighteen hundred and ninety-seven, shall not apply to the county of Nantucket.

Certain provisions of law not to apply to Nantucket county.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF ASSOCIATE MEDICAL EXAMINERS.

Chap. 318

Be it enacted, etc., as follows:

SECTION 1. The governor shall nominate, and by and with the advice and consent of the council shall appoint, one able and discreet man, learned in the science of medicine, to be associate medical examiner in each of the districts, except the county of Suffolk, enumerated in section two of chapter twenty-six of the Public Statutes.

Associate medical examiners to be appointed.

SECTION 2. Said associate medical examiners shall in the absence of the medical examiners, or in case of the inability of the medical examiners to perform their duties,

Duties, compensation, etc.

exercise and perform in their respective districts all the duties of medical examiners, as prescribed in chapter twenty-six of the Public Statutes, and for such services they shall receive the compensation allowed to medical examiners by section nine of said chapter; and they shall be subject in all respects to the provisions of said chapter and of acts in amendment thereof and in addition thereto.

SECTION 3. This act shall take effect upon its passage.

Approved April 12, 1898.

Chap. 319 AN ACT RELATIVE TO STREETS AND HIGHWAYS IN THE CITY OF BEVERLY.

Be it enacted, etc., as follows:

1894, 161, § 21,
amended.

Laying out,
etc., of streets
and highways in
city of Beverly.

County com-
missioners not
to be deprived
of certain
power, etc.

SECTION 1. Section twenty-one of chapter one hundred and sixty-one of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out the whole of said section and inserting in place thereof the following:—*Section 21.* The city council shall, subject always to the approval of the mayor, have authority and power to order the laying out, locating anew and discontinuing of, and the making of specific repairs in, all streets, ways, and highways within the limits of the city, to assess the damages sustained thereby by any person, and, except as herein otherwise provided, to act in matters relating to such laying out, locating anew, altering, discontinuing or repairing; but in all such matters action shall first be taken by the board of aldermen. Any person aggrieved by the action of the city council hereunder shall have all the rights and privileges now by law in similar cases allowed in appeals from decisions of selectmen. Nothing herein shall be construed to deprive the county commissioners for the county of Essex of any power or authority which they would be entitled to exercise under the provisions of chapter forty-nine of the Public Statutes in respect to the laying out, widening, discontinuing, laying out anew, or ordering specific repairs in, any highway within the limits of said city; and all orders and decrees of the county commissioners for said county of Essex, issued by them since the passage of said chapter one hundred and sixty-one, in laying out, widening, discontinuing, laying out anew, or ordering specific repairs in, any highway in said city are hereby ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

AN ACT RELATIVE TO THE PRINTING OF CERTAIN PUBLIC DOCUMENTS.

Chap.320

Be it enacted, etc., as follows :

SECTION 1. There shall be printed annually of the report of the chief of the district police, twenty-five hundred copies ; of the report of the commissioner of public records, two thousand copies, of which five hundred shall be for the use of the commissioner ; of the report of the secretary of the state board of education, five thousand copies ; of the state farm report of the trustees of the state almshouse and state farm, twenty-five hundred copies. There shall be printed annually for the use of the state board of lunacy and charity five hundred copies of so much of the annual report of said board as relates to city and town almshouses, together with that portion of the appendix to said report called the pauper abstract.

Printing of certain public documents.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved April 12, 1898.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE FIRE MARSHAL.

Chap.321

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight, to wit : —

Appropriations.

For the salary of the state fire marshal, forty-five hundred dollars.

State fire marshal.

For the salary of the deputy fire marshal, twenty-five hundred dollars.

Deputy.

For the salary of the clerk of the state fire marshal, fourteen hundred dollars.

Clerk.

For the salaries of the two stenographers in the office of the state fire marshal, eleven hundred dollars each.

Stenographers.

For the salaries of the two chiefs of aids in the office of the state fire marshal, twelve hundred dollars each.

Chiefs of aids.

For the salaries of nine aids in the office of the state fire marshal, one thousand dollars each, and for the salary of a messenger, four hundred dollars.

Aids and messenger.

For travelling, contingent and incidental expenses of the chief of the secret service, the same to include the services

Travelling expenses, etc.

and expenses of persons employed in outside secret investigations and fees of witnesses, under the direction of the state fire marshal, a sum not exceeding ten thousand five hundred dollars.

Office expenses. For postage, printing, stationery, telephone, telegrams and incidental and contingent office expenses of the state fire marshal, a sum not exceeding twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

Chap.322 AN ACT TO ESTABLISH THE SALARY OF THE TREASURER OF THE COUNTY OF BRISTOL.

Be it enacted, etc., as follows :

Treasurer of
county of Bris-
tol.

SECTION 1. The salary of the treasurer of the county of Bristol shall be two thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

Chap.323 AN ACT TO ESTABLISH THE SALARY OF THE TREASURER OF THE COUNTY OF HAMPDEN.

Be it enacted, etc., as follows :

Treasurer
of county of
Hampden.

SECTION 1. The salary of the treasurer of the county of Hampden shall be eighteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

Chap.324 AN ACT TO ESTABLISH THE SALARY OF THE SHERIFF OF THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows :

Sheriff of
Middlesex
county.

SECTION 1. The salary of the sheriff of the county of Middlesex shall be three thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1898.

AN ACT TO AUTHORIZE THE CITY OF LYNN TO COMPLETE ITS
SYSTEM OF SEWAGE DISPOSAL.

Chap. 325

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn is hereby authorized and empowered to complete the outfall sewer now in course of construction from the junction chamber located on land owned by the city of Lynn, thence running south, thirteen degrees forty-six minutes west, to the harbor commissioners' line at Deep Hole, so-called, with authority to take land if necessary to complete the same; and any and all acts of said city of Lynn in laying out and constructing said outfall sewer are hereby legalized and made valid to the same extent as if this act had been passed before said sewer was laid out or the construction of the same begun.

City of Lynn
may complete
outfall sewer,
etc.

SECTION 2. If any land is taken by the city of Lynn under the authority of the preceding section the proceedings for the taking of the same and for the determination of the damages occasioned by the laying, making or maintaining of said outfall sewer shall be the same as in case of the laying out of highways or streets in said city.

Proceedings for
taking land, etc.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1898.

AN ACT TO REGULATE THE INFLICTION OF THE DEATH PENALTY.

Chap. 326

Be it enacted, etc., as follows:

SECTION 1. In pronouncing sentence of death upon a person convicted of a capital crime the court shall appoint a week within which such sentence shall be executed. The clerk of the court shall, as soon as may be, make out and deliver to the governor a certified copy of the whole record of the conviction and sentence, and shall immediately thereafter make out, sign and deliver to the sheriff of the county a warrant, under the seal of the court, stating the conviction and sentence, and the week appointed for the execution thereof, and shall at the same time transmit to the warden of the state prison a certified copy of the warrant. Such warrant shall be directed to the warden of the state prison, commanding the warden to cause execution to be done in accordance with the provisions of such sentence, upon some day within the week thus appointed.

Court to appoint
a week within
which sentence
of death shall be
executed, etc.

Confinement,
etc., of persons
sentenced to
punishment of
death.

SECTION 2. When a person is sentenced to the punishment of death he shall be confined in a jail or prison in the county in which such sentence is pronounced until within ten days of the first day of the week appointed for the execution of the sentence. He shall, within such ten days, and at a time chosen by the sheriff of the county, be conveyed as secretly as may be, by the sheriff or such deputy as he may name, to the state prison, where the sentence is to be executed, and be delivered, together with the warrant, to the warden or the officer performing the duties of warden. From the time of such delivery until the infliction of the punishment of death upon him, unless he shall be lawfully discharged from such imprisonment, the convict under sentence shall be kept in a cell provided for the purpose, and no person shall be allowed access to him without an order of the court, except the officers of the prison, his counsel, his physician, a priest or minister of religion, if he shall desire one, and the members of his family.

Sentence to be
executed by
warden of state
prison, etc.

SECTION 3. The sentence of death shall be executed by the warden of the state prison, or by a person or persons acting under the direction of the warden. Unless the governor pardons the offence, commutes the punishment therefor, or respites the execution, as provided by law, the execution shall be done within the week appointed by the court; and in case the execution is respited the sentence shall be executed within the week beginning on the day next after the day on which the term of respite expires. The execution shall be done upon such day as the warden shall select within the week determined as aforesaid, and at an hour between midnight and sunrise; but no previous announcement shall be made, except to the persons who shall be permitted to be present at such execution, as hereinafter provided.

Where punish-
ment of death
shall be in-
flicted.

SECTION 4. The punishment of death shall be inflicted within an enclosure or building provided for the purpose, adjoining the state prison.

Who shall be
present, etc.

SECTION 5. Beside the warden or deputy warden performing the execution, and such officers of the state prison as the warden may deem necessary, there shall be present at the execution the prison physician, the surgeon general of the militia, and the medical examiner of the district in which the state prison is situated, or, in case of their inability to be present, such physicians as the warden may

approve, and the members of the medical profession present shall be the legal witnesses of the execution. There may also be present the sheriff of the county in which the sentence was pronounced, or his deputy, and a priest or minister of religion and, with the approval of the warden, not more than three other persons.

SECTION 6. The punishment of death shall in every case be inflicted by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application of such current must be continued until such convict is dead.

How to be inflicted.

SECTION 7. When a warden inflicts the punishment of death upon a convict in obedience to a warrant from the court he shall, as soon as may be, make return thereof under his hand, with the doings thereon, to the office of the clerk of said court.

Warden to make return.

SECTION 8. Nothing in this act shall apply to a person sentenced to death for a crime committed at any time before the passage of this act. The provisions of law for the infliction of punishment of death in existence at the time of the passage of this act are hereby continued in existence and applicable to all persons sentenced to death for crimes committed before the passage of this act.

Not to apply to certain persons, etc.

SECTION 9. The warden of the state prison shall cause to be provided, in conformity with plans approved by the governor and council, the necessary building and appliances for the infliction of the punishment of death, in accordance with the requirements of this act. For the expenses of constructing such building and providing such appliances, including the necessary expenses of the warden in connection therewith, a sum not exceeding seven thousand five hundred dollars shall be allowed and paid out of the treasury of the Commonwealth.

Warden to provide necessary appliances, etc.

SECTION 10. The company furnishing electric power or light to the state prison shall provide all necessary electricity for executions, at such times as the warden may direct.

Necessary electricity to be furnished.

SECTION 11. Sections thirty-two, thirty-three, thirty-seven, thirty-eight and thirty-nine of chapter two hundred and fifteen of the Public Statutes are hereby repealed.

Repeal.

SECTION 12. This act shall take effect upon its passage.

Approved April 13, 1898.

Chap.327 AN ACT TO AUTHORIZE THE HAVERHILL, GEORGETOWN AND DANVERS STREET RAILWAY COMPANY TO CONSTRUCT AND OPERATE ITS RAILWAY IN THE TOWNS OF NEWBURY, ROWLEY AND IPSWICH.

Be it enacted, etc., as follows :

May construct,
etc., its railway
in certain
towns.

SECTION 1. The Haverhill, Georgetown and Danvers Street Railway Company is hereby authorized to construct, maintain and operate its railway in the towns of Newbury, Rowley and Ipswich, upon locations that may be granted by the selectmen of said towns, respectively, and subject to such limitations and conditions as may be imposed by said selectmen.

May construct,
etc., its railway
on private
lands.

SECTION 2. Said company may construct, maintain and operate its railway on private lands which, with the consent of the owners thereof, it may lease, purchase and hold for said purpose.

When to take
effect, etc.

SECTION 3. This act shall take effect upon its passage, and shall be void as to all parts of said railway which are not located and constructed in said towns prior to the first day of November in the year eighteen hundred and ninety-nine.

Approved April 14, 1898.

Chap.328 AN ACT TO AUTHORIZE STREET RAILWAY COMPANIES TO USE THEIR CARS AND TRACKS FOR THE TRANSPORTATION OF SNOW, ICE, STONES, GRAVEL, DIRT, STREET SWEEPINGS AND GRADING MATERIALS.

Be it enacted, etc., as follows :

May use tracks
for transporta-
tion of snow,
gravel, material,
etc.

SECTION 1. Any corporation owning or operating a street railway within the Commonwealth may, in any city with the consent of the mayor and board of aldermen, or in any town with the consent of the selectmen, convey in cars propelled by electricity or horse power over its tracks any snow, ice, stones, gravel, dirt or street sweepings which have been taken from any street or way over or through which its tracks are located, for the purpose of improving said street or way; and may also, in like manner and with like consent, convey to any point on its line any necessary material for use in the construction, grading, repairing or improving of such street or way.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1898.

AN ACT TO INCORPORATE THE MILFORD, ATTLEBOROUGH AND
WOONSOCKET STREET RAILWAY COMPANY. *Chap. 329*

Be it enacted, etc., as follows:

SECTION 1. George W. Wiggin, Joseph G. Ray, Edgar K. Ray, Edward H. Rathbun, Charles W. Shippee, Orestes T. Doe, William S. Reed and William H. Tylee, their associates and successors, are hereby made a corporation under the name of the Milford, Attleborough and Woonsocket Street Railway Company, with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies.

Milford, Attleborough and Woonsocket Street Railway Company incorporated.

SECTION 2. Said company may locate, construct, maintain and operate its railway, with a single or double track, in such manner as may be convenient and necessary, in part upon private land acquired by purchase or lease, and upon streets, highways or state roads in the town of Milford in the county of Worcester, and in the towns of Bellingham, Medway, Franklin and Wrentham in the county of Norfolk, subject to the approval and control of the selectmen of said towns, as provided by general law, and subject also to the approval of the Massachusetts highway commission as to any part of said railway located upon a state highway. The location of said railway outside the public streets and highways shall not exceed fifty feet in width, with convenient turn-outs and switches.

May construct, etc., its railway in certain towns.

Location.

SECTION 3. Said company may maintain and operate its railway by any motive power other than steam, and may erect and maintain poles and wires on private lands purchased or leased for the purposes of said railway, and, with the consent of the board of selectmen, may erect such poles and wires and make such excavations in the streets and highways as may be necessary to establish and maintain such motive power. It may acquire by purchase or lease all real estate and water power required for its power stations, tracks, poles, wires, car houses and other uses incident to the proper maintenance and operation of its railway.

Motive power, etc.

May acquire real estate, etc.

SECTION 4. The capital stock of said company shall not exceed two hundred thousand dollars, provided that said company may increase its capital stock, subject to the provisions of the general laws relative thereto.

Capital stock.

May issue
mortgage bonds,
etc.

SECTION 5. Said company, in order to meet expenses incurred under this act, may issue bonds not exceeding the amount of its capital stock and payable within a period not exceeding twenty years from the date thereof, secured by mortgage of its franchise and property, subject to the general laws relative thereto; and in such mortgage may reserve to its directors the right to sell or otherwise in due course of business dispose of property included therein which may become unsuitable for use, provided an equivalent in value is substituted therefor.

Road to be in
operation within
three years.

SECTION 6. The authority herein granted shall cease if the proposed road is not constructed and put in operation within three years from the passage of this act.

SECTION 7. This act shall take effect upon its passage.

Approved April 14, 1898.

Chap.330 AN ACT TO ESTABLISH THE SALARY OF THE TREASURER OF THE COUNTY OF NORFOLK.

Be it enacted, etc., as follows:

Treasurer of
Norfolk county.

SECTION 1. The salary of the treasurer of the county of Norfolk shall be two thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1898.

Chap.331 AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE CLERK OF THE POLICE COURT OF LYNN.

Be it enacted, etc., as follows:

Clerical
assistance.

SECTION 1. The clerk of the police court of Lynn shall be allowed for clerical assistance, upon the certificate of the justice of said court that the work was actually performed and was necessary, with the time occupied and the name of the person by whom the work was performed, such sums, not exceeding five hundred dollars in any one year, as the county commissioners for the county of Essex by a writing signed by them may approve. Said sums shall be paid from the treasury of said county monthly, to the person employed.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1898.

AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF MIDDLESEX.

Chap.332

Be it enacted, etc., as follows:

SECTION 1. The register of probate and insolvency for the county of Middlesex shall be allowed, in addition to the amount now authorized by law, a sum not exceeding one thousand dollars a year for clerical assistance actually rendered, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight and to be paid from the treasury of the Commonwealth upon the official certificate of the judge of probate and insolvency for said county.

Clerical assistance.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1898.

AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT REGISTER OF DEEDS FOR THE MIDDLESEX SOUTHERN DISTRICT.

Chap.333

Be it enacted, etc., as follows:

SECTION 1. The salary of the assistant register of deeds for the Middlesex southern district shall be two thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

Assistant register of deeds for Middlesex southern district.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1898.

AN ACT TO PROVIDE FOR THE EMPLOYMENT OF PRISONERS IN MAKING GOODS FOR THE USE OF THE PRISONS AND OTHER PUBLIC INSTITUTIONS.

Chap.334

Be it enacted, etc., as follows:

SECTION 1. It shall be the duty of the general superintendent of prisons to cause to be produced, as far as possible, in the state prison, the reformatories, the state farm, and the jails and houses of correction, articles and materials used in the several public institutions of the Commonwealth and of the counties thereof.

General superintendent of prisons to cause certain goods to be produced at state prison, jails, etc.

SECTION 2. The principal officers of the penal institutions named herein shall send to the general superintendent, at such times and in such form as he shall prescribe, full reports concerning the labor of prisoners; and he shall from time to time send to the principal officers of

Principal officers to make reports, etc.

all the public institutions named in section one a list of such articles and materials as can be produced by the labor of prisoners, together with a form of requisition for the use of such officers, as hereinafter provided.

Requisition to be made for certain articles, etc.

SECTION 3. Whenever articles or materials included in said list are needed in any one of said public institutions the principal officer thereof shall make requisition therefor upon said general superintendent, who shall immediately notify said officer as to all the prisons where the required goods are produced; and said officer shall then purchase said goods from such of the designated places as he shall select: *provided*, that if the articles or materials are not on hand and are needed for immediate use the said general superintendent shall at once certify to said principal officer that the requisition cannot be filled; and in that case said articles or materials may be purchased elsewhere.

Proviso.

Certain bills to be accompanied by certificate of general superintendent of prisons.

SECTION 4. The said general superintendent shall also furnish said list to the auditor of the Commonwealth and to the auditing and disbursing officers of each county. No bill for articles or materials named in said list, purchased otherwise than from a prison, shall be allowed or paid unless it is accompanied by a certificate from said general superintendent that they could not be supplied upon requisition as aforesaid.

Board to determine price of articles, etc.

SECTION 5. The auditor of the Commonwealth, the controller of county accounts, and the general superintendent of prisons, shall constitute a board to determine the price of all articles or materials manufactured and sold under this act. The prices shall be uniform and shall conform as nearly as may be to the usual market price of like goods manufactured in other places. The actual and necessary expenses incurred by the members of said board in the performance of their duties under this act shall be allowed and paid to them out of the appropriation for incidental and contingent expenses of the general superintendent of prisons, but they shall receive no compensation for their services hereunder.

Clerical assistance, etc.

SECTION 6. The said general superintendent may expend not exceeding eight hundred dollars, in addition to the sum now authorized, for clerical assistance and other expenses in carrying out the provisions of this act.

Approved April 14, 1898.

AN ACT TO AUTHORIZE THE GREENFIELD AND TURNER'S FALLS STREET RAILWAY COMPANY TO ACT AS A COMMON CARRIER OF SMALL PARCELS, AND OF THE UNITED STATES MAIL.

Chap. 335

Be it enacted, etc., as follows :

SECTION 1. The Greenfield and Turner's Falls Street Railway Company may act as a common carrier of small parcels of merchandise and baggage, and may also carry the United States mail: *provided*, that said company shall not so act in any town until authorized to do so by a two thirds vote of the voters of said town present and voting thereon at an annual or special meeting called for the purpose; and *provided, further*, that said company shall in the carrying of parcels be subject to such by-laws and regulations as may from time to time be made by said towns; and shall also be subject to the provisions of chapter seventy-three of the Public Statutes and to all laws relating to common carriers.

May act as a common carrier of small parcels, etc.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1898.

AN ACT TO REQUIRE CORPORATIONS CREATED BY SPECIAL CHARTER TO FILE EVIDENCE OF THEIR ORGANIZATION IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

Chap. 336

Be it enacted, etc., as follows :

SECTION 1. Section eight of chapter one hundred and five of the Public Statutes is hereby amended by adding at the end of said section the words:— Within thirty days after the final adjournment of the meeting for organization of any corporation created by special charter it shall be the duty of the recording officer thereof to make, sign, swear to and file for record in the office of the secretary of the Commonwealth, a certificate setting forth the date on which the meeting for organization was held, the names of the officers elected at such meeting, and the amount of capital stock, if any, fixed upon under its charter, — so as to read as follows:— *Section 8.* A corporation created by charter, if no time is limited therein, shall be organized within two years from the passage of its act of incorporation. Within thirty days after the final adjournment of the meeting for organization of any corporation created by special charter it shall be the duty of the recording officer thereof to make, sign, swear to

P. S. 105, § 8, amended.

Organization of certain corporations.

Certificate to be filed.

and file for record in the office of the secretary of the Commonwealth, a certificate setting forth the date on which the meeting for organization was held, the names of the officers elected at such meeting, and the amount of capital stock, if any, fixed upon under its charter.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1898.

Chap.337 AN ACT RELATIVE TO THE CONSTRUCTION OF BELVIDERE STREET
IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

May lay out
and construct
an extension
of Belvidere
street.

SECTION 1. The city of Boston by its board of street commissioners may lay out and construct an extension of Belvidere street in said city across the land and location of the Boston and Albany Railroad Company, notwithstanding the prohibition thereof contained in chapter three hundred and fifty-six of the acts of the year eighteen hundred and ninety-five; and the Boston and Albany Railroad Company shall be entitled to all damages to its property occasioned by such laying out and construction, to be recovered in the manner provided for recovering damages for lands taken for highways in the city of Boston.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1898.

Chap.338 AN ACT TO AUTHORIZE THE WORCESTER AND MARLBOROUGH STREET
RAILWAY COMPANY TO ACT AS A COMMON CARRIER OF SMALL PAR-
CELS, AND OF THE UNITED STATES MAIL.

Be it enacted, etc., as follows:

May act as a
common carrier
of small parcels,
etc.

SECTION 1. The Worcester and Marlborough Street Railway Company may act as a common carrier of small parcels of merchandise and baggage, and may also carry the United States mail in the city of Worcester, in the towns of Shrewsbury, Northborough and Westborough, and in the city of Marlborough: *provided*, that said company shall not so act in any town until authorized to do so by a two thirds vote of the voters of said town present and voting thereon at an annual or special meeting called for the purpose; nor in any city until authorized to do so by a two thirds vote of the city council of such city; and *provided, further*, that said company shall in the carrying of parcels be subject to such by-laws, ordinances and regu-

Provisos.

lations as may from time to time be made by said towns and cities ; and shall also be subject to the provisions of chapter seventy-three of the Public Statutes and to all laws relating to common carriers.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1898.

AN ACT RELATIVE TO THE PROTECTION OF CERTAIN BIRDS.

Chap.339

Be it enacted, etc., as follows :

SECTION 1. Chapter five hundred and twenty-four of the acts of the year eighteen hundred and ninety-seven is hereby amended by inserting after the word "eighty-six", in the fourth line, the words :— whether taken in this Commonwealth or elsewhere, — and by adding at the end of said chapter the words :— nor to non-residents of the Commonwealth passing through it or temporarily dwelling within the limits thereof, — so as to read as follows :— Whoever has in his possession the body or feathers of any bird whose taking or killing is prohibited by section four of chapter two hundred and seventy-six of the acts of the year eighteen hundred and eighty-six, whether taken in this Commonwealth or elsewhere, or wears such feathers for the purpose of dress or ornament, shall be punished as provided in said section : *provided*, that this act shall not be construed to prohibit persons having the certificate provided for in said section from taking or killing such birds ; and *provided, further*, that this act shall not apply to natural history associations or to the proprietors of museums, or other collections for scientific purposes, nor to non-residents of the Commonwealth passing through it or temporarily dwelling within the limits thereof.

1897, 524,
amended.

Penalty for
having in pos-
session body or
feathers of cer-
tain birds, etc.

Proviso.

SECTION 2. This act shall take effect on the first day of April in the year eighteen hundred and ninety-nine.

To take effect
April 1, 1899.

Approved April 14, 1898.

AN ACT RELATIVE TO THE POWER OF OFFICERS IN CHARGE OF THE LAW DEPARTMENT OF THE CITY OF BOSTON TO ENTER INTO CERTAIN AGREEMENTS.

Chap.340

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter two hundred and two of the acts of the the year eighteen hundred and ninety-seven is hereby amended by adding at the end

1897, 202, § 2,
amended.

thereof the words : — *provided, however*, that this section shall not apply to agreements entered into by any officer in charge of the law department of said city in any suit relating to such damages, — so as to read as follows : —

Agreements as to damages to be in writing, etc.

Section 2. No agreement as to damages sustained by any person in his property by the taking by the city, or by the board of street commissioners, or by any other board or department, of land for said city, shall be deemed to have been made or executed unless it is in writing and has the approval of the mayor affixed thereto : *provided, however*, that this section shall not apply to agreements entered into by any officer in charge of the law department of said city in any suit relating to such damages.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1898.

Chap.341 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO CATHERINE REGAN.

Be it enacted, etc., as follows :

Widow of Cornelius F. Regan.

SECTION 1. The city of Boston is hereby authorized to pay to Catherine Regan, widow of Cornelius F. Regan late a member of the police department of said city, the balance of the salary to which he would have been entitled had he lived and continued to serve as a police officer until the close of the present fiscal year.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1898.

Chap.342 AN ACT TO AUTHORIZE THE BOARD OF SEWER COMMISSIONERS OF THE CITY OF TAUNTON TO ESTABLISH A SEWER RENTAL SYSTEM IN ADDITION TO THE PRESENT SYSTEM OF ASSESSMENTS FOR THE CONSTRUCTION AND ENTERING OF SEWERS.

Be it enacted, etc., as follows :

Sewer commissioners may establish rents, etc.

SECTION 1. The board of sewer commissioners of the city of Taunton may establish just and equitable annual charges or rents for the construction, maintenance and operation of its system of sewerage, in addition to the assessments for the construction and entering thereof provided for by chapter fifty of the Public Statutes and acts in amendment thereof.

Certain matters to be considered in determining rentals, etc.

SECTION 2. In determining said charges or rentals the board of sewer commissioners shall take into consideration the necessity of the system to each estate, the amount

of use thereof, if any, by the estate or its occupants, the benefits derived therefrom by the estate, the amount of any assessment for a sewer paid by any owner of the estate, the length of time which has elapsed since such payment, and the use, if any, that has heretofore been made of the sewers by the occupant of the estate, and such other matters as they shall deem just and proper.

SECTION 3. The determination of such charges by the board of sewer commissioners shall be final in all cases, and the amount thereof as determined for each estate shall be a lien thereon until paid, and shall be collected in the same manner as taxes upon real estate, or in an action of contract in the name of said city.

Charges to be
a lien upon real
estate, etc.

SECTION 4. This act shall take effect upon its passage.

Approved April 14, 1898.

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A FIRE DISTRICT
IN THE TOWN OF HUNTINGTON.

Chap. 343

Be it enacted, etc., as follows :

SECTION 1. A fire district may be established in the town of Huntington to include all the territory within the following limits, to wit:—Beginning at a stone monument on the town line between Huntington and Chester by the side of the road leading from Huntington to Chester village, thence running north, fifty-four degrees east, three hundred feet to a stone monument; thence running south, fifty-three degrees and fifty minutes east, thirty-six hundred forty-nine feet and seven inches to a stone monument; thence running south, twenty-one degrees and twenty minutes east, eight hundred seven feet and three inches to a stone monument; thence running north, seventy degrees and ten minutes east, seven hundred thirty-six feet and two inches to a stone monument; thence running north, eighty degrees and twenty-five minutes east, nine hundred sixty-five feet and three inches to a stone monument; thence running south, eighty degrees and thirty-five minutes east, eight hundred eighteen feet and two inches to a stone monument; thence running south, seventy-four degrees and fifty-five minutes east, nine hundred and nineteen feet to a stone monument; thence running north, seventeen degrees and fifty-nine minutes east, nine hundred thirty-six feet and eleven inches to a stone monument; thence running south, eighty-

Fire district
may be estab-
lished in the
town of Hunt-
ington.

Fire district
may be estab-
lished in the
town of Hunt-
ington.

nine degrees and fifty-seven minutes east, twenty-three hundred fifty-seven feet and nine inches to a stone monument; thence running north, thirty-one degrees and thirty minutes east, seven hundred nine feet and two inches to a stone monument; thence running north, thirty degrees east, fifteen hundred four feet and ten inches to a stone monument; thence running north, fifty-seven degrees east, thirteen hundred seventy-eight feet and nine inches to a stone monument; thence running south, two degrees and forty-eight minutes east, thirteen hundred thirty-two feet and five inches to a stone monument; thence running south, seventy-two degrees west, six hundred and forty-five feet to the westerly bank of the so-called east branch of the Westfield river; thence running southerly along the westerly bank of said east branch and the Westfield river nine thousand five hundred and twenty-six feet to a stone monument on the town line between Huntington and Russell where said line crosses the new state highway; thence running north, fifty-two degrees west, seven hundred forty-one feet and two inches to a stone monument; thence running north, forty-six degrees and eight minutes west, eleven hundred forty-four feet and one inch to a stone monument; thence running north, fifteen degrees and eighteen minutes west, seventeen hundred eighteen feet and five inches to a stone monument; thence running north, twenty-nine degrees and eight minutes west, ten hundred eight feet and seven inches to an iron pin in the ledge; thence running north, eighty degrees and seventeen minutes west, nine hundred thirty-seven feet and ten inches to a stone monument; thence running north, thirty degrees west, twenty-two hundred ninety-nine feet and six inches to the northerly bank of the so-called west branch of the Westfield river; thence running north-westerly along said bank six thousand and seventy-five feet to a stone monument on the town line between Huntington and Chester, said monument being the point of beginning.

Petition to
state limits of
proposed dis-
trict, number of
voters, etc.

SECTION 2. Before the district is constituted and organized a petition shall be presented to the town at a legal town meeting, stating the limits of the proposed district, the number of inhabitants, the number of voters and the amount of taxable property in said proposed district, as near as the same can be ascertained from the records and statistics of the town. If at said meeting the town shall

vote in favor of constituting and organizing said district the inhabitants of said district may proceed to constitute and organize the same in accordance with the provisions of the laws relating to fire districts and with the provisions of this act. If at said meeting the town shall not vote in favor of constituting and organizing said district said town may vote in favor of constituting and organizing the same at any legal town meeting called for that purpose, and in the manner herein provided, within three years from the passage of this act; the number of said meetings called for that purpose in any one year not to exceed two.

SECTION 3. The legal voters of the said fire district of the town of Huntington shall, within one year from the organizing of said district, at a meeting called for the purpose, choose by ballot a committee of three persons, to be called the prudential committee, a clerk and a treasurer, all of whom shall be inhabitants of and legal voters in said district and shall be sworn to the faithful discharge of their duties; and said treasurer shall also be required to give a bond. The clerk shall keep all records of the district. The prudential committee shall have charge of all hydrants, water tanks for fire purposes, sidewalks, common sewers, main drains, lamps and street sprinkling, and a majority of said committee shall constitute a quorum for the transaction of business. The members of said committee shall serve without compensation, and shall hold office until the next annual meeting of said district and until others are chosen and qualified in their stead; and said district shall thereafter, at the regular annual meeting of said district, choose by ballot three members of said committee, who shall serve during the ensuing year and until others are chosen and qualified in their stead. Said district shall have authority to fill any vacancy in said committee at any district meeting regularly called for that purpose.

Prudential committee, etc., election, powers and duties, etc.

Vacancy.

SECTION 4. Said district may, at meetings called for that purpose, raise money for the purpose of carrying out the provisions of this act; and said prudential committee shall expend the same for the purposes designated by vote of the district. Every member of said committee shall be accountable to said district for any money received by him, and said district may maintain a suit therefor in the name of the inhabitants of said district. Said committee

Prudential committee to expend money raised by district, etc.

shall not expend any money which has not been duly appropriated by the district, and shall have no authority to bind the district to the payment of money in excess of its appropriation or for any purpose not specified by the vote of the district appropriating the same. But said district shall not during any year raise by taxation any amount of money exceeding one tenth of one per cent. of the taxable property in said district.

Clerk of district to certify to assessors of town sums voted to be raised.

SECTION 5. The clerk of the district shall, on or before the first day of May of each year, certify to the assessors of the town of Huntington all sums voted to be raised by the district under the provisions of this act during the year last preceding; which sum shall be assessed and collected by the officers of the town in the same manner as town taxes are assessed and collected, and shall be paid over to the treasurer of said district, who shall hold the same subject to the order of said prudential committee. The clerk of said district shall act as a clerk of said committee and shall enter all its proceedings in the records of said district.

Construction, etc., of main drains, common sewers, etc.

SECTION 6. It shall be the duty of said committee, under the supervision and direction of said district, to construct, reconstruct, erect, repair, maintain and have charge of all main drains constructed by it, and of all common sewers, sidewalks, lamp posts, street lamps and street hydrants in said fire district, and to have charge of the sprinkling of the streets therein, and of all matters pertaining thereto as herein provided; and to construct such crosswalks as may be ordered by said district, and to keep maps and plans of all such main drains and common sewers.

To determine grade, material, etc., of sidewalks.

SECTION 7. Said committee shall have authority to determine the grade, width and material, including curb-stones, of all sidewalks on the public streets and highways of said district, and to construct, reconstruct and repair such sidewalks, in accordance with such determination. Upon the completion of any sidewalks by said committee, or the completion of the reconstruction or repair of any sidewalk, or within one year thereafter, said committee shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made, and shall assess a portion not exceeding one half the amount of the same upon all the lands which abut on such sidewalks so made, reconstructed or repaired.

SECTION 8. Said committee shall have power to determine when, in what manner, and to what extent, snow, ice, grass, herbage, trees and other obstructions shall be removed from the sidewalks in said district, or from any of the same, or from any portion thereof; and to establish by-laws and penalties regulating the same, subject to the approval of said fire district; and also by-laws and penalties prohibiting the deposit of ashes, garbage, filth or other refuse matter on the streets and sidewalks within the limits of said district.

Removal of obstructions from sidewalks.

SECTION 9. No sidewalk graded, constructed, reconstructed or repaired in said district under the provisions of this act shall be dug up or obstructed in any part thereof without the consent of said committee; and whoever rides or drives or leads any cattle, or uses any vehicle moved by hand, other than those used for the carriage of children, invalids or persons disabled, upon or along any sidewalk in said district except to cross the same, or digs up or otherwise obstructs the same without such consent, shall forfeit a sum not less than one dollar nor more than five dollars for each violation of the provisions of this section.

Penalty for obstructing or digging up sidewalks without consent.

SECTION 10. Said fire district, at meetings called for that purpose, may order said committee to construct crosswalks in any of the streets in said district in which they have authority to construct sidewalks. Said committee shall construct all such crosswalks at the expense of said district, and shall repair and reconstruct the same when ordered by said district, and at its expense.

May order the construction of crosswalks.

SECTION 11. Said committee shall lay, make, reconstruct and maintain in said district all such main drains and common sewers as said district at a legal meeting called for that purpose shall by vote adjudge to be necessary for the public convenience or the public health, and may repair the same from time to time whenever necessary; and for said purposes may take, in the manner hereinafter provided, any lands, property or rights which in their opinion may be necessary therefor.

Laying, etc., of main drains and common sewers.

SECTION 12. Main drains and common sewers may be constructed in said district by said district, which shall be the property of said district and shall be under the charge and control of said committee, who shall have the power and authority to regulate the use of the same and to prescribe the mode in which the same shall be entered by private drains, and the terms and conditions of such

Main drains and common sewers to be property of district, etc.

entry. No person shall be allowed to enter or discharge into a main drain or common sewer of said district any private drain, except by leave of said committee and on such terms and conditions as it shall prescribe; and all such private drains entering any such main drain or common sewer shall be under the exclusive charge and control of said committee, who shall have authority to make and to execute orders concerning the same as though the same were constructed by said committee under this act. The provisions of this section shall apply to and govern the use of all sewers and drains in said district constructed by it, and to the compensation, terms and conditions to be made for such use, whether the same have been heretofore or shall hereafter be constructed.

Assessments to constitute a lien upon real estate, etc.

SECTION 13. All assessments made by said committee, as provided for in this act, shall constitute a lien on the real estate assessed, for two years from the time of assessment, and for one year after the final determination of any suit or proceedings in which the amount or validity of such assessment shall be drawn in question. Every assessment made by said committee shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by said committee for collection to the person then authorized by law to collect taxes in said town. Said collector shall forthwith publish the same by posting true and attested copies thereof in three public places in said district, and shall, within thirty days from such publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him or within his precinct. If any such assessment shall not be paid within three months from the publication of said list he shall levy the same, with incidental costs and expenses, by sale of the land, such sale to be conducted in a manner similar to the sale of land for non-payment of town taxes; and in making such sale at any sales for taxes assessed for said district such collector and said district and its officers shall have all the powers and privileges conferred by general law upon collectors of taxes and upon cities and towns and their officers relating to the sales of land for the non-payment of taxes. The collector shall pay over all moneys received by him under this act to the treasurer of said district, in the same manner as moneys received by him from taxes assessed for said district by the assessors of the town of Huntington.

Levy to be made in case of non-payment of assessment.

Money collected to be paid over to treasurer of district.

SECTION 14. Every assessment made by said committee which is invalid by reason of any error or irregularity in the assessment, and which has not been paid, or which has been recovered back, or which has been enforced by an invalid sale, may be re-assessed by the prudential committee for the time being to the just amount to which, and upon the estate upon which, such assessment ought at first to have been assessed, and the assessment then re-assessed shall be payable and shall be collected and enforced in the same manner as other assessments.

Assessment invalid by error may be re-assessed.

SECTION 15. Any person aggrieved by an assessment made by said committee may, at any time within three months from the publication of the list of such assessments, as provided in section thirteen, apply by petition to the superior court for the county of Hampshire, and after due notice to the said fire district a trial shall be had at the bar of said court in the same manner in which other civil causes are there tried by jury, and if either party requests it the jury shall view the place in question. Before the filing of said petition the petitioner shall give one month's notice in writing to said committee of his intention so to apply, and shall therein particularly specify his objections to the assessment; and to such specification he shall be confined in the trial by the jury. If the jury does not reduce the amount of the assessment complained of the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate assessed and shall be collected in the same manner as the assessment; but if the jury reduces the amount of the assessment the petitioner shall recover costs.

Person aggrieved may have a trial by jury, etc.

SECTION 16. Whenever land is taken by virtue of the provisions of section eleven the said committee shall, within sixty days after any such taking, file in the registry of deeds of the county of Hampshire a description of any lands so taken, sufficiently accurate for identification, with a statement of the purposes for which it is taken, and the right to use all land so taken for the purposes mentioned in said statement shall vest in said fire district and its successors. Damages for land so taken shall be paid by said fire district, and any person aggrieved by the taking of his land under this act, who fails to agree with said committee as to the amount of his damages, may, upon a petition filed with the county commissioners of the county of Hampshire within one year from the filing of a descrip-

Description of lands to be recorded, etc.

Damages.

tion thereof in the registry of deeds, have his damages assessed and determined in the manner provided when land is taken for highways; and if either party is not satisfied with the award of damages by the county commissioners, and applies for a jury to revise the same, the fire district shall pay the damages awarded by the jury, and shall pay costs if the damages are increased by the jury, and shall recover costs if the damages are decreased; but if the jury awards the same damages as were awarded by the county commissioners the party who applies for the jury shall pay costs to the other party.

Recovery of penalties.

SECTION 17. Penalties incurred under the provisions of this act and under any by-laws established in pursuance thereof may be recovered by an action of tort brought by direction of said committee in the name of and for the use of said district, or on complaint or indictment to the use of the Commonwealth: *provided*, that no such action, complaint or indictment shall be maintained unless brought within thirty days after the right of action accrues or the offence is committed. No inhabitant of the district shall be disqualified by reason of his being such inhabitant to act as judge, magistrate, juror or officer in a suit brought for such penalty.

Proviso.

Provisions of general laws to apply.

SECTION 18. The provisions of all general laws of the Commonwealth applicable to fire districts and not inconsistent with this act shall apply to the fire district of the town of Huntington organized as herein provided. Nothing therein contained shall be construed to interfere with the authority of surveyors of highways or any authority of the town or its agents which can be legally exercised over highways or roads, but the town of Huntington shall repair any injury done to sidewalks in said district by the officers of said town by reason of any raising, lowering or other act done for the purpose of repairing a highway or town way: and whenever any crosswalk shall be torn up or injured by the officers of the town of Huntington in making, repairing, altering, raising or lowering any highway or town way, said town shall relay and repair such crosswalk and place the same in as good condition as it was in before it was torn up or injured. The authority of the town of Huntington to construct sidewalks, main drains and common sewers within the limits of said district shall be suspended while this act is in force; but this act shall in no wise affect the liability of the town for any damages caused within the limits of its highways.

Authority of Huntington to construct sidewalks, etc., suspended.

SECTION 19. When a party upon the trial of an action recovers damages of said town for an injury caused to his person or property by a defect in any sidewalk in said fire district, if the fire district has had reasonable notice to defend the action, the said town may recover of the fire district, in addition to the damages, all costs of both plaintiff and defendant in the action.

Damages and costs.

Approved April 15, 1898.

AN ACT TO PROVIDE FOR A WATER SUPPLY FOR THE FIRE DISTRICT AND INHABITANTS OF THE TOWN OF HUNTINGTON.

Chap. 344

Be it enacted, etc., as follows:

SECTION 1. Upon the establishment and organization of a fire district in the town of Huntington under the provisions of the act of the present year, entitled "An Act to authorize the establishment of a fire district in the town of Huntington", said fire district may supply itself and the inhabitants of said town with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants and relocate and discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

Huntington fire district may supply itself and the town with water, etc.

SECTION 2. Said fire district may, for the purposes aforesaid, take by purchase or otherwise, and hold all water rights of the system of water supply now existing within the limits of said town, and owned jointly by Charles F. Cole, William G. Kimball and Myron R. Fisk, all of said Huntington, with the privileges and appurtenances thereto belonging, and all water pipes, gates, dams and appliances connected therewith; and said fire district may also, for the purposes aforesaid, take by purchase or otherwise and hold the waters of Cook brook, so-called, in the towns of Huntington and Chester, the waters from Cold brook, so-called, in the towns of Huntington and Blandford, the waters from the Tinker brook, so-called, in the towns of Huntington and Blandford, the waters from Roaring brook, sometimes called Taylor brook, in the towns of Huntington and Montgomery, the waters from Black brook, so-called, in the towns of Blandford and Russell, the waters from Gold Mine brook, so-called, in the towns of Chester and Blandford, the waters from Buttolph brook, so-called, in the towns of Huntington and Chester, and the waters from Norwich pond and

May take certain waters, water rights, etc.

Pond brook, so-called, in the town of Huntington, and the waters flowing into and from the same, as the said fire district may determine, together with any and all water rights connected therewith: *provided, however*, that no water, water sources or water rights shall be taken under the provisions of this act until the same have been approved by the state board of health. Said fire district may also, for the purposes aforesaid, take by purchase or otherwise and hold all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town of Huntington; and may erect on the lands thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said fire district may dig up any such lands, and, under the direction of the board of selectmen of the town in which such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon.

Proviso.

May take certain lands, erect structures, lay pipes, etc.

Description of lands, etc., to be recorded.

SECTION 3. Said fire district shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the registry district in which the same are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Damages.

SECTION 4. Said fire district shall be liable to pay all damages to property sustained by any person or corporation by the taking of any lands, water or water rights, by said fire district, or by the laying or maintaining of any aqueducts or other works for the purposes aforesaid. Any person or corporation sustaining damages as aforesaid, and unable to agree with the said district upon the

amount of such damages, may have them assessed in the manner provided by law with respect to lands taken for highways. Any person or corporation whose water rights are thus taken or affected may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafter.

SECTION 5. The said fire district may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip, to any amount not exceeding in the aggregate thirty thousand dollars; such bonds, notes and scrip shall bear on their face the words, Huntington Fire District Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest, payable annually, at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer of the fire district and countersigned by the chairman of the prudential committee of said fire district, and by the chairman of the water commissioners. The said fire district may sell such securities at public or private sale at not less than par, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper.

Huntington Fire
District Water
Loan.

SECTION 6. Said fire district shall establish a sinking fund and shall annually, after five years from the acceptance of this act by said fire district, contribute to such fund a sum sufficient with the accumulations to pay the principal of said loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose: *provided*, that the said town or fire district may, instead of establishing said sinking fund, pay the principal of said loan by annual instalments not exceeding the sum of two thousand dollars in one year. The said fire district shall assess and collect, by taxation, upon the estates, real and personal, in said fire district, a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said fire district, and to make such contributions to the sinking fund as may be required under this act.

Sinking fund.

Proviso.

Payment of
expenses.

SECTION 7. The town of Huntington may, upon a two thirds vote of the legal voters present and voting thereon at a legal meeting called for the purpose, guarantee the

Town may
guarantee
payment of
bonds, etc.

payment of said bonds, notes or scrip, provided such meeting is held within one year from the acceptance of this act by said fire district.

Penalty for corruption of water, etc.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken under this act, or destroys or injures any dam, conduits, hydrants, machinery or other works or property held, owned or used by said district under the authority and for the purposes of this act, shall forfeit and pay to the said district three times the amount of the damage assessed therefor, to be recovered in an action of tort; and on conviction of any of the acts aforesaid may be punished by a fine not less than twenty nor more than three hundred dollars, or by imprisonment in jail not exceeding one year, or by both such fine and imprisonment.

Water commissioners, election, terms, etc.

SECTION 9. At the meeting of said fire district called for the acceptance of this act, or at any legal meeting called for the purpose, three persons shall be elected by ballot, who shall exercise all rights, powers and privileges herein granted, subject however to instructions and directions of the fire district, and who shall constitute a board of water commissioners; one of said three persons shall be elected for the term of three years from the next succeeding annual meeting of said fire district, one for a term of two years and one for a term of one year; after which first election one member of said board, as the term of each incumbent expires, shall be elected at the annual district meeting, to serve for the term of three years. Said board of water commissioners shall be trustees of the sinking fund herein provided for, and shall have charge of the water works, and may fix the price of rents for the use of water, and may exercise all the rights, powers and authority granted to said district by this act relative to such duties, subject however to such instructions, rules and regulations as said district may impose by its vote. A majority of said board of commissioners shall constitute a quorum for the transaction of business relative to the water works and the sinking fund. Any vacancy occurring in said board of commissioners from any cause may be filled by said district at any legal district meeting for the unexpired term.

To be trustees of sinking fund, etc.

Vacancy.

When to take effect, etc.

SECTION 10. This act shall take effect upon its passage, but no expenditure shall be made or liability incurred under the same except for preliminary surveys and estimates, un-

less this act shall first be accepted by a vote of two thirds of the legal voters of said fire district present and voting thereon at a legal meeting called for that purpose within three years from the establishment and organization of said fire district in said town ; and the number of said meetings called for that purpose in any one year shall not exceed two.

Approved April 15, 1898.

AN ACT TO AUTHORIZE THE TOWN OF WEBSTER TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL.

Chap. 345

Be it enacted, etc., as follows :

SECTION 1. The town of Webster is hereby authorized, through a board of sewer commissioners to be elected as hereinafter provided, to lay out, construct and maintain a system of sewerage and sewage disposal for said town, and may, by said board, take, by purchase or otherwise, any lands, water rights, rights of way or easements in the town of Webster deemed by said board necessary for the establishment of such system of sewerage and sewage disposal, and for connections therewith.

May construct system of sewerage, etc.

SECTION 2. No sewers or other works shall be constructed under the authority of this act until said system of sewerage and sewage disposal has been approved by the state board of health, after due notice by said board of the presentation to it of such system for its approval, by a publication of such notice with the time and place of a hearing thereon, in such paper or papers, and at such time or times, as said board may deem proper ; and said board after such hearing may reject such system, may approve it, or may modify and amend the same, and approve it as so modified and amended.

System to be approved by state board of health, etc.

SECTION 3. The board of sewer commissioners of the town of Webster shall consist of three persons, who shall be citizens and residents of said town, and who shall be elected by ballot at a special meeting or at an annual meeting of said town, one commissioner to hold office for one year, one for two years and one for three years, respectively, from the date of the annual town meeting next succeeding the date of his election and until his successor is elected and qualified ; and at each annual town meeting thereafter said town shall elect one member of said board to serve three years and until his successor is elected and qualified. If a vacancy occurs in said board said town may at a meeting called for such purpose elect a person

Board of sewer commissioners, election, terms, etc.

Vacancy.

duly qualified to fill such vacancy. Said town shall fix the compensation to be paid to said board.

May carry its sewers under streets, dig up private land, etc.

SECTION 4. Said town may, for the purposes of this act, carry its sewers, pipes and conduits under any street, railroad, highway or other way, in such a manner as not unnecessarily to obstruct the same, and may enter upon and dig up any private land, street or way for the purpose of constructing said system, laying such sewers, pipes and conduits, and maintaining and repairing the same; and may do any other thing necessary or proper in carrying out the purposes of this act.

Description of lands, etc., to be recorded.

SECTION 5. Said town when it takes any lands, water rights, rights of way or easements or other real estate under authority of this act, in any manner other than by purchase, shall cause to be recorded in the registry of deeds for the county and district in which the same are situated a description thereof sufficiently accurate for identification, with a statement that the same were taken under the authority of this act, signed by the selectmen of said town; and upon such recording the title of the lands, water rights, rights and easements and other real estate so described shall vest in said town.

Damages.

SECTION 6. Said town shall pay all damages sustained by any person in his property by reason of such taking, and if such person and town fail to agree as to the amount of damages sustained such damages shall be assessed and determined by a jury of the superior court, in the manner provided by law when land is taken for laying out a highway, on petition therefor by either party filed in the office of the clerk of said court for the county of Worcester, at any time within two years from the taking of such land or other property.

Town may offer a specified sum as damages, etc.

SECTION 7. Said town, in case of a petition for a jury as aforesaid, may offer in court and consent in writing that a sum therein specified may be awarded as damages to the complainant; and if the complainant does not accept the sum so offered within one year after he has received notice of the offer, and does not finally recover a greater sum than the sum offered, not including interest, said town shall be entitled to recover its costs after the date of said offer, and the complainant if he recovers damages shall be allowed his costs only to the date of said offer.

Payment of expenses, etc.

SECTION 8. Said town shall meet the expenses of constructing and maintaining said sewerage system and the

sewers of said town, including the sewers of said system, by assessments upon persons and estates, or in such other manner as may be determined by the inhabitants thereof. Said town may also determine by vote at any legal town meeting how much of such system of sewerage and sewage disposal shall be built from year to year.

SECTION 9. All contracts made by said board of commissioners for the purposes of this act shall be the contracts of said town and shall be signed by said board; but no contracts shall be made or obligations incurred by said commissioners for the laying out and construction of said systems of sewerage in excess of the amount of money appropriated by the said town therefor.

Making of contracts, etc.

SECTION 10. Said board of commissioners may from time to time prescribe rules and regulations for the connecting of estates and buildings with the main drains and sewers, and for the inspection of materials, construction, alteration or use of all connections and drains entering into such drains or sewers, and may impose penalties not exceeding twenty dollars for violations of any such rule or regulation. Such rules and regulations shall be published not less than once a week for three successive weeks in some newspaper published in said town, and shall not take effect until such publication has been made.

May prescribe rules and regulations, etc.

SECTION 11. The provisions of chapter fifty of the Public Statutes and of acts in amendment thereof and in addition thereto, also of chapter two hundred and forty-five of the acts of the year eighteen hundred and ninety-two, so far as applicable and not inconsistent with this act, shall apply to the town of Webster in carrying out the provisions of this act.

Certain provisions of law to apply.

SECTION 12. This act shall take effect upon its passage, but no expenditure shall be made nor any liability incurred under the same unless this act shall first be accepted by a vote of two thirds of the legal voters of said town of Webster present and voting thereon at a legal meeting called for that purpose within one year from the date of its passage. Said town may elect its board of sewer commissioners, as provided in section three, at the same meeting at which it accepts this act.

When to take effect, etc.

Approved April 15, 1898.

Chap.346 AN ACT TO AUTHORIZE THE TOWN OF FOXBOROUGH TO CONSTRUCT
A SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows:

May construct
a system of
sewerage, etc.

SECTION 1. The town of Foxborough is hereby authorized, through its board of selectmen, its board of health, or a special committee duly designated, appointed or chosen for the purpose, at a legal meeting of said town, to lay out and construct, and through its board of health to maintain and operate, a system of sewerage for a part or the whole of its territory, and such connections and other works as may be required for a system of sewage disposal for said town, in accordance with plans made for said town and accepted and adopted by said town; and said town through the board or committee selected as above-provided, for the purpose of providing better surface or other drainage for any part or parts of said town, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as they deem best, may deepen, widen and clear of obstructions any brook, stream or water course within the limits of said town, and straighten, alter or divert the courses or channels thereof.

May lay main
drains, etc.

System to be
approved by
state board of
health, etc.

SECTION 2. No act shall be done under the authority of the preceding section until said system of sewerage and sewage disposal and location have been approved by the state board of health, after due notice by said board of the presentation to it of such system for its approval, by a publication of such notice with the time and place for a hearing thereon in such paper or papers and at such times as said board may deem proper. Said board after hearing may reject such system, may approve it, or may modify and amend the same, and approve it as so modified and amended.

May take lands,
water rights,
etc.

SECTION 3. Said town, through the board or committee provided for in section one, shall have full power to take by purchase or otherwise any lands, water rights, rights of way or easements in said town, public or private, of any persons or corporations necessary for the establishment of such systems of main drains and sewers and sewage disposal, or for any of the purposes mentioned in section one, and may construct such main drains and sewers under or over any water course, bridge, railroad, highway, boulevard or other way, and may enter upon

and dig up any private land, street or way, for the purpose of laying such main drains and sewers beneath the surface thereof and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act.

May dig up private land, etc.

SECTION 4. Said board or committee, in order to take any lands, water rights, rights of way or easements, otherwise than by purchase or agreement, shall cause to be recorded in the registry of deeds for the county of Norfolk a statement signed by a majority of said board or committee, containing a description thereof sufficiently accurate for identification, and specifying therein that the same are taken under the authority of this act; and upon such recording the title in the lands, water rights, rights of way or easements described in such statement shall vest in said town of Foxborough, which shall pay all damages therefor, such payment to be made out of the appropriation for the construction of main drains and sewers. Said board or committee shall at the time of such taking notify the owners thereof in writing, and may agree with the person or corporation injured upon the damages sustained by any such person or corporation by any taking of property or rights for the purposes aforesaid, and if the damages are not agreed upon a jury in the superior court for said county may be had, upon petition of the aggrieved party, to determine the same, in the manner provided by law for determining the damages to be paid for land taken for highways; but no suit or petition shall be brought after two years from the date of the recording of the taking as herein provided.

Description of lands, etc., to be recorded.

Damages, etc.

SECTION 5. In every case of a petition for the assessment of damages or for a jury said town may at any time file in the office of the clerk of said court an offer in writing to pay the petitioner a sum specified therein as damages; and if said petitioner does not accept the same within one year after notice of such offer, and does not finally recover a sum greater than that offered, not including interest on the sum so recovered, the town shall recover costs from date of said notice, and the petitioner if he recovers damages shall be entitled to costs only to said date.

Town may offer a specified sum as damages, etc.

SECTION 6. All contracts made by said board or committee for the purposes of this act shall be the contracts of said town, and shall be signed by said board or com-

Making of contracts, etc.

mittee, but no contracts shall be made or obligations incurred by said board or committee for the laying out and construction of said systems of sewers and sewage disposal which are not included in and covered by the plans, specifications and estimates adopted by said town and authorized by its vote, or which are in excess of the amount of money appropriated by the town therefor, and said town under the provisions of this act may vote at any legal town meeting how much of such systems of sewers and sewage disposal shall be built from year to year.

Foxborough
Sewerage Loan.

SECTION 7. Said town, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness, and may issue from time to time as may be required therefor bonds, notes or scrip to an amount not exceeding thirty thousand dollars, and the bonds, notes or scrip issued therefor shall not be considered or reckoned in determining the authorized limit of indebtedness of said town under the provisions of section four of chapter twenty-nine of the Public Statutes and of acts in amendment thereof or in addition thereto. Such bonds, notes or scrip shall bear on their face the words, Foxborough Sewerage Loan, shall be payable within a period not exceeding thirty years from the date of issue of such bonds, notes or scrip, respectively, and shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually. Said bonds, notes or scrip shall be signed by the treasurer of said town and shall be countersigned by a majority of the selectmen. Said town may sell such securities or any part thereof from time to time, or pledge the same for money borrowed for the purposes of this act: *provided*, that they shall not be sold or pledged for less than the par value thereof; and the proceeds of said sales and the moneys borrowed upon them as collateral shall be retained in the treasury of the town for the purposes of this act, and the treasurer shall have no right or authority to pay out such moneys except for such purposes, and upon orders duly drawn therefor and accompanied by vouchers of expenditure or obligation duly approved by the said board or committee in charge of the sewerage system of said town.

Proviso.

Apportionment
of cost.

SECTION 8. Said town shall at the time of authorizing said loan determine what proportion of the cost of said system or systems of sewers and sewage disposal said

town shall pay in its general tax assessment: *provided*, Proviso. that it shall not pay less than one third nor more than one half of the whole cost. The remaining part of the cost of said systems shall be repaid to the town by the owners of estates, buildings and property situated within the limits of the Foxborough Water Supply District lying less than one mile distant from the centre of the common in said town of Foxborough, as it at present exists, or as it may from time to time be extended and benefited thereby, in proportion to the assessed valuation of said estates, buildings and property, and at the same time shall provide for the payment of the bonds issued under the provisions of this act, together with the interest thereon and the maintenance of said system in such proportionate annual payments as will extinguish said liabilities within the time prescribed in this act; and when such vote shall have been passed the relative amounts determined by said vote to be paid in each year thereafter by the town in its general tax assessment, and by the owners of the estates, buildings and property embraced within the limits above-mentioned, in the special assessment authorized by the vote above referred to, shall without further vote be assessed by the assessors of said town in each year thereafter until said liabilities shall have been paid, in the same manner as taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

SECTION 9. The use of the main drains and sewers built under the provisions of this act shall be mandatory and compulsory upon the owners and occupants of all estates and buildings embraced within the area mentioned in section eight, and when said system of sewers and sewage disposal, or so much of it as the town shall vote to build as the first section or instalment thereof, shall be completed and ready for use, the care and superintendence of the operation and maintenance of such section and of all sections subsequently built shall be placed in the hands of the board of health of said town, who shall have and exercise all the powers, privileges and authority which are given to such board by the provisions of chapter eighty of the Public Statutes and of all acts in amendment thereof or in addition thereto. Said board shall from year to year certify to the assessors of said town the estates, buildings and properties which are benefited by the building and use of said system, as provided in section four of

Use of main drains and sewers to be mandatory, etc.

Town to establish rules and regulations, impose penalties, etc.

chapter fifty of the Public Statutes and acts in amendment thereof or in addition thereto. Said town shall by vote establish rules and regulations for the connecting of estates and buildings with said main drains and sewers, and for the selection of materials to be used in said connections, and for the inspection of the construction, maintenance, alteration and use of all such sub-drains and connections entering into its main drains and sewers, and may impose penalties, not exceeding twenty dollars in amount, for each violation of any such rule or regulation, which rules and regulations shall be submitted to the town at a legal town meeting for its approval; and upon such approval shall be published not less than once a week for four successive weeks in some newspaper published in said town, and shall not take effect and become operative until such publication has been made. Upon the establishment of such rules and regulations all owners of estates and buildings within said territory shall, with due diligence and at their own expense, construct such proper sub-drains and connections between their estates and buildings, and the main drains and sewers built by the town, as shall take proper care of all such sewage and waste as may be produced upon their premises, in such a manner as shall meet the approval of the board of health of said town, and shall maintain such sub-drains and connections in proper working order and condition, under the supervision and to the satisfaction of said board of health.

Certain provisions of law to apply.

SECTION 10. The provisions of chapter fifty of the Public Statutes and of acts in amendment thereof and in addition thereto, and of chapter two hundred and forty-five of the acts of the year eighteen hundred and ninety-two, so far as applicable and not inconsistent with this act, shall apply to the town of Foxborough in carrying out the provisions of this act.

Abatement of nuisance, etc.

SECTION 11 In the exercise of the powers granted by this act the town of Foxborough shall at all times manage and dispose of its sewage in such a manner as not to create a nuisance or render injurious to the public health the waters into which any effluent from its sewage is discharged. If at any time a nuisance is created, or the waters aforesaid are rendered injurious to the public health, the state board of health shall, upon application of the selectmen of any town adjacent to said town of Foxborough or to the waters aforesaid, alleging the exist-

ence of a nuisance or the pollution of the waters aforesaid to such a degree as to be injurious to the public health, appoint a time and place for a public hearing thereon, and give due notice thereof to all parties interested. After such hearing the state board may, if in its judgment there is occasion therefor, order the town of Foxborough to abate such nuisance, or to cleanse or purify the polluting substances before they are discharged into the waters aforesaid, in such a manner and to such a degree that they shall no longer be deleterious to the public health. Any court having jurisdiction in equity may, upon the application of said board or of the selectmen of any town authorized by this section to enter a complaint, by any proper process or decree enforce the orders of said board in the premises.

Enforcement of orders.

SECTION 12. This act shall take effect upon its passage, but no expenditure shall be made and no liability incurred hereunder unless this act shall first be accepted by a two thirds vote of the legal voters of said town present and voting thereon at a legal meeting called for the purpose within three years from the date of its passage; and said town may place the building of its system of sewers and sewage disposal in the charge of its board of selectmen, its board of health, or a special committee chosen for the purpose, as provided in section one of this act, at the same meeting at which it accepts this act.

When to take effect, etc.

Approved April 15, 1898.

AN ACT MAKING AN APPROPRIATION TO DEFRAY CERTAIN MILITARY AND NAVAL EXPENSES.

Chap. 347

Be it enacted, etc., as follows:

SECTION 1. The sum of five hundred thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to be expended under the direction of the commander-in-chief in defraying the military and naval expenses which the existing emergency arising out of the condition of the relations of the government of the United States with the kingdom of Spain, and the exigencies of possible war, may render requisite and proper.

Military and naval expenses.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1898.

Chap.348

AN ACT RELATIVE TO THE MILITIA.

Be it enacted, etc., as follows :

Camp duty.

SECTION 1. The volunteer militia shall perform not less than seven consecutive days of camp duty in each year, at such time and place as the commander-in-chief shall designate.

Brigade commanders, allowance, etc.

SECTION 2. Brigade commanders may visit the headquarters and companies of their brigades whenever they deem it necessary for military instruction. For such visits mileage shall be allowed at the rate of four cents a mile each way, the distance to be computed by the line of the most direct railroad communication from the residence of the officer.

Members of band, allowance.

SECTION 3. The sum of one dollar in addition to the sum now allowed by law shall be allowed for each member of a band on duty with troops under the orders of the commander-in-chief.

Stable sergeant, allowance.

SECTION 4. Hereafter the stable sergeant in each light battery shall be entitled to be mounted, and the sum of four dollars per day shall be allowed for the horse of said sergeant.

First regiment of heavy artillery, additional staff officers.

SECTION 5. The following additional staff officers shall be allowed to the first regiment of heavy artillery : — One signal officer, one range officer, and one aide-de-camp, each with the rank of first lieutenant. Said additional officers shall be appointed and commissioned as entitled to all emoluments now provided by law for officers of their rank.

Repeal.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

*Approved April 19, 1898.**Chap.349*

AN ACT RELATIVE TO THE BRIDGE OVER THE MERRIMAC RIVER BETWEEN THE CITY OF NEWBURYPORT AND THE TOWN OF SALISBURY AND TO THE ESSEX MERRIMAC BRIDGE BETWEEN SAID CITY AND DEER ISLAND IN THE TOWN OF AMESBURY.

Be it enacted, etc., as follows :

1896, 483, § 3, amended.

SECTION 1. Section three of chapter four hundred and eighty-three of the acts of the year eighteen hundred and ninety-six is hereby amended by inserting after the word “expended”, in the fourth line, the words : — or which may be expended, — and by adding at the end of said

section the following words:—Said commissioners may also reimburse the city of Newburyport in the manner and to the extent provided in this section for the amount already expended and which may be expended by said city for the maintenance of and repairs upon the Essex Merrimac bridge between Newburyport and Deer island in Amesbury,—so as to read as follows:—*Section 3.* Said commissioners may reimburse the city of Newburyport and the town of Salisbury from the treasury of the county of Essex for not exceeding sixty per cent. of the amount already expended, or which may be expended by said city and town in making repairs on said bridge, for which in the judgment of said commissioners said city and town ought to be reimbursed. Said commissioners may also reimburse the city of Newburyport in the manner and to the extent provided in this section for the amount already expended and which may be expended by said city for the maintenance of and repairs upon the Essex Merrimac bridge between Newburyport and Deer island in Amesbury.

Newburyport and Salisbury may be reimbursed certain amounts.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1898.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF MIDDLESEX TO PROVIDE SUITABLE BUILDINGS OR ROOMS FOR THE USE OF THE FIRST DISTRICT COURT OF EASTERN MIDDLESEX.

Chap. 350

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized to lease for a term of years, not exceeding ten, upon such terms and conditions as they shall deem reasonable and proper, such buildings or rooms as may be necessary for the convenient and suitable accommodation of the first district court of eastern Middlesex.

Suitable accommodation to be provided for first district court of eastern Middlesex.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1898.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO CONSTRUCT BICYCLE PATHS.

Chap. 351

Be it enacted, etc., as follows:

SECTION 1. Cities and towns may lay out, construct and maintain paths for bicycles, and may appropriate money to meet the expense of such laying out, construction and maintenance. The general provisions of law

Cities and towns may construct bicycle paths, etc.

relative to the laying out, construction and maintenance of highways shall, so far as applicable, apply to such bicycle paths.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1898.

Chap. 352 AN ACT TO INCORPORATE THE FITCHBURG AND ASHBY STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

Fitchburg and Ashby Street Railway Company incorporated.

SECTION 1. Francis W. Wright, Charles O. Green, Edwin A. Hubbard, Alonzo A. Carr, Albert Wilder, William O. Loveland and Harry F. Bingham, their associates and successors, are hereby made a corporation under the name of the Fitchburg and Ashby Street Railway Company, with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws which now are or hereafter may be in force relating to street railway companies.

May construct, etc., its railway in Fitchburg and Ashby.

SECTION 2. Said company may locate, construct, maintain and operate its railway, with single or double tracks, in such manner as may be necessary and convenient, in part upon private lands acquired by purchase or lease, and upon streets, highways or state roads in the city of Fitchburg and the town of Ashby, subject to the approval and under the control of the mayor and board of aldermen of said city, and of the selectmen of said town, as provided by general law, and subject also to the approval and consent of the Massachusetts highway commission as to any part of said railway located upon a state highway. The location of said railway outside the public streets and highways shall not exceed fifty feet in width, with convenient turn-outs and switches.

Location.

Motive power, etc.

SECTION 3. Said company may maintain and operate its railway by any approved power other than steam, and may erect and maintain poles and wires on private lands acquired by purchase or lease, and, with the consent of the mayor and board of aldermen of the city of Fitchburg and of the selectmen of the town of Ashby, may erect such poles and wires in the streets and highways as may be necessary to establish and maintain such motive power. It may acquire by purchase or lease all necessary real estate and water power for its power stations and other uses incidental to the proper maintenance of its railway.

May acquire necessary real estate, etc.

SECTION 4. The capital stock of said company shall not exceed seventy thousand dollars: *provided*, that said company may increase its capital stock, subject to the provisions of the general laws relative thereto.

Capital stock.
Proviso.

SECTION 5. Said company, in order to meet expenses incurred under this act, may issue bonds not exceeding the amount of its capital stock, and payable within a period not exceeding twenty years from the date thereof, secured by mortgage of its franchise and property, subject to the general laws relative thereto, and in such mortgage may reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become unsuitable for use, provided an equivalent in value is substituted therefor.

May issue mortgage bonds, etc.

SECTION 6. Said company may act as a common carrier of parcels, freight and baggage, and may also carry the United States mail: *provided*, that it shall not so act in the city of Fitchburg until authorized to do so by a two thirds vote of the city council, or in the town of Ashby until authorized to do so by a two thirds vote of the voters of said town present and voting thereon at an annual or special meeting held for the purpose; and *provided, further*, that said company shall, in the carrying of parcels, be subject to such ordinances, regulations and by-laws as may be established by said city and town in relation thereto; and shall also be subject to the provisions of chapter seventy-three of the Public Statutes and of all laws relating to common carriers.

May act as a common carrier of parcels, etc.
Provisos.

SECTION 7. The authority hereby granted shall cease if the proposed road is not constructed and put in operation prior to the first day of November in the year nineteen hundred.

To be in operation prior to November 1, 1900.

SECTION 8. This act shall take effect upon its passage.

Approved April 21, 1898.

AN ACT TO EXTEND THE PROVISIONS OF THE PUBLIC STATUTES RELATING TO THE TAXABLE VALUATION OF VESSELS ENGAGED IN THE FOREIGN CARRYING TRADE.

Chap. 353

Be it enacted, etc., as follows:

SECTION 1. The provisions of section ten of chapter eleven of the Public Statutes, as amended or renewed by chapter three hundred and seventy-three of the acts of the year eighteen hundred and eighty-seven, chapter two hun-

Certain provisions of Public Statutes extended.

dred and eighty-six of the acts of the year eighteen hundred and eighty-nine, chapter one hundred and sixteen of the acts of the year eighteen hundred and ninety-one, and chapter one hundred and forty-nine of the acts of the year eighteen hundred and ninety-three, are hereby renewed and extended for the term of five years.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1898.

Chap.354

AN ACT RELATIVE TO THE FUNERAL EXPENSES OF PAUPERS.

Be it enacted, etc., as follows:

P. S. 84, § 17,
etc., amended.

Section seventeen of chapter eighty-four of the Public Statutes, as amended by chapter three hundred and ten of the acts of the year eighteen hundred and eighty-seven, and by chapter seventy-one of the acts of the year eighteen hundred and ninety, is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 17.* The overseers of the poor of each place shall also relieve, support and employ all poor persons residing or found therein, having no lawful settlements within this state, until their removal to the state almshouse, and in case of their decease shall decently bury them; they shall also decently bury all such persons who have died without means of support, but without applying for public relief while living, and all unknown persons found dead; the expense whereof may be recovered of their kindred, if they have any chargeable by law for their support, in the manner hereinbefore provided; and if in case of their burial the expense thereof is not paid by such kindred, there shall be paid from the treasury of the Commonwealth an amount not exceeding fifteen dollars for the funeral expenses of each pauper over twelve years of age, and an amount not exceeding ten dollars for the funeral expenses of each pauper under that age.

Support and
burial of certain
paupers, etc.

Approved April 21, 1898.

Chap.355

AN ACT TO CHANGE THE TIME OF THE SITTINGS OF THE SUPERIOR COURT FOR THE COUNTY OF FRANKLIN.

Be it enacted, etc., as follows:

Sittings of
superior court
for Franklin
county.

SECTION 1. The sittings of the superior court for the county of Franklin, now required to be held on the third Monday of April and the second Mondays of July and November, shall hereafter be held on the second Mondays of March, July and November in each year.

SECTION 2. This act shall take effect on the first day of July in the year eighteen hundred and ninety-eight.

To take effect
July 1, 1898.

Approved April 21, 1898.

AN ACT TO PROVIDE FOR THE REFERENCE OF DISPUTED CLAIMS FOR SOLDIER'S RELIEF TO THE COMMISSIONERS OF STATE AID.

Chap. 356

Be it enacted, etc., as follows:

SECTION 1. In cases where a person is entitled to soldier's relief from a city or town, under the provisions of chapter four hundred and forty-seven of the acts of the year eighteen hundred and ninety, it shall be the duty of the mayor and aldermen of such city, or of the selectmen of such town, to furnish such relief, without vote of the city council or of the voters of such town authorizing them thereto. If the mayor and aldermen or the selectmen fail to furnish such relief any person aggrieved may appeal from the action of such municipal authorities to the commissioners of state aid, who shall thereupon forthwith make a thorough investigation of the qualifications and circumstances of the applicant, and shall determine the amount of relief, if any, to be given to said applicant. Decisions of said commissioners shall be final, except that said board may at any time reverse or amend its decisions.

Soldier's relief
to be furnished
to certain per-
sons.

Appeal may
be made to
commissioners
of state aid.

SECTION 2. Chapter two hundred and thirty-seven of the acts of the year eighteen hundred and ninety-three is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1898.

AN ACT RELATIVE TO THE BOUNDARY LINE BETWEEN THE TOWNS OF GAY HEAD AND CHILMARK.

Chap. 357

Be it enacted, etc., as follows:

SECTION 1. For the purpose of carrying out the provisions of section two of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-seven, for marking the boundary line between the towns of Gay Head and Chilmark by building a suitable protection to the banks on each side of the new outlet from Menamsha pond to Vineyard Sound, the board of harbor and land commissioners is hereby authorized to expend a sum not exceeding two thousand dollars in addition to the amount authorized by said section two.

Marking the
boundary line
between Gay
Head and Chil-
mark.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1898.

Chap.358 AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE THIRD DISTRICT COURT OF EASTERN MIDDLESEX.

Be it enacted, etc., as follows:

Justice of third district court of eastern Middlesex

SECTION 1. The salary of the justice of the third district court of eastern Middlesex shall be twenty-seven hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1898.

Chap.359 AN ACT RELATIVE TO THE STAFF OF THE COMMANDER-IN-CHIEF.

Be it enacted, etc., as follows:

Staff of commander-in-chief.

SECTION 1. The staff of the commander-in-chief shall consist of an adjutant general, who shall, ex officio, be chief of staff, a surgeon general and an inspector general, each with the rank of brigadier general; a quartermaster general, a commissary general, a judge-advocate general and an inspector general of rifle practice, each with the rank of colonel; an assistant adjutant general and six assistant inspectors general, each with the rank of lieutenant colonel; an assistant quartermaster general and four aides-de-camp, each with the rank of major.

Quartermaster general, etc.

SECTION 2. In time of peace the adjutant general, unless otherwise directed by the commander-in-chief, shall be quartermaster general and commissary general.

Additional staff officers may be appointed.

SECTION 3. In time of war the commander-in-chief may appoint such additional staff officers as the service may require, with such rank, not higher than that of colonel, as the commander-in-chief may designate.

Term of office.

SECTION 4. All staff officers shall be commissioned and hold office until their successors are appointed and qualified, but they may be removed at any time by the commander-in-chief.

Not to apply to present members of staff, etc.

SECTION 5. The provisions of this act shall not apply to the present members of the staff of the present commander-in-chief, but shall apply to all staff officers hereafter appointed by the commander-in-chief.

Not to repeal certain provisions of law.

SECTION 6. Nothing herein shall be interpreted as repealing section one of chapter four hundred and sixty-five of the acts of the year eighteen hundred and ninety-five, as amended by section two of chapter four hundred

and forty-eight of the acts of the year eighteen hundred and ninety-seven.

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

Approved April 21, 1898.

AN ACT MAKING AN APPROPRIATION FOR CURRENT EXPENSES AT THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES.

Chap.360

Be it enacted, etc., as follows:

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to pay necessary expenses, in excess of any receipts, at the Massachusetts hospital for dipsomaniacs and inebriates, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight. Massachusetts hospital for dipsomaniacs and inebriates.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1898.

AN ACT TO REQUIRE CITIES AND TOWNS TO PAY INTEREST ON ARREARS OF SUMS DUE TO THE COMMONWEALTH ON ACCOUNT OF LIQUOR LICENSES.

Chap.361

Be it enacted, etc., as follows:

SECTION 1. Treasurers of cities and towns neglecting to make the returns and payments required by chapter two hundred and thirty-three of the acts of the year eighteen hundred and ninety-seven, in accordance with the provisions of said chapter, shall pay interest at the rate of six per cent. per annum on the amounts of such payments from the time they become due until the same are paid. Treasurers of cities and towns to pay interest in case of neglect to make certain returns, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1898.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF NEWTON.

Chap.362

Be it enacted, etc., as follows:

SECTION 1. The salary of the justice of the police court of Newton shall be eighteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight. Justice of police court, Newton.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1898.

Chap.363 AN ACT TO LEGALIZE THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF SHREWSBURY.

Be it enacted, etc., as follows:

Proceedings of town meeting of Shrewsbury legalized.

SECTION 1. The proceedings of the annual town meeting of the town of Shrewsbury held on the seventh day of March in the year eighteen hundred and ninety-eight, and continued by adjournment on the fifteenth day of said March, shall not be invalid by reason of the omission of the constable to attest the copy of the warrant posted by him calling said meeting.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1898.

Chap.364 AN ACT TO AUTHORIZE THE CITY OF MARLBOROUGH TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES BEYOND THE LIMIT FIXED BY LAW.

Be it enacted, etc., as follows:

Marlborough Sewer Loan, 1898.

SECTION 1. The city of Marlborough, for the purpose of extending its system of sewerage in the lake Williams drainage area and Beach street in said city, may incur indebtedness to an amount not exceeding twenty thousand dollars in addition to the amounts heretofore authorized by law for sewerage purposes, and beyond the limit of indebtedness fixed by law for said city; and may from time to time issue bonds, notes or scrip to the amount of such indebtedness, denominated on the face thereof, Marlborough Sewer Loan, 1898, signed by its city treasurer and countersigned by its mayor, payable within thirty years from the date thereof, and bearing such rate of interest, not exceeding five per cent. per annum, as the city council may determine. The sinking fund of any loan of the city may be invested in said securities. Any surplus over the amount required for said purpose may be expended for sewer construction or maintenance.

Certain provisions of law to apply.

SECTION 2. The provisions of chapter twenty-nine of the Public Statutes and acts in amendment thereof and in addition thereto, except as otherwise provided in this act and in chapter two hundred and forty-five of the acts of the year eighteen hundred and ninety-six, shall apply to the indebtedness authorized by this act and the securities issued hereunder.

SECTION 3. No sewers or other works shall be constructed under the authority of this act until the plans have been approved by the state board of health.

Plans to be approved by state board of health.

SECTION 4. This act shall take effect upon its passage.

Approved April 22, 1898.

AN ACT RELATIVE TO EMPLOYING PRISONERS IN PREPARING ROAD MATERIAL BY HAND LABOR.

Chap. 365

Be it enacted, etc., as follows:

SECTION 1. The general superintendent of prisons may cause the prisoners in any jail or house of correction to be employed within the precincts of the prison in preparing material for road making; but no machine operated otherwise than by hand or foot power shall be used in connection with such employment.

Prisoners in jails, etc., may be employed in preparing material for road making.

SECTION 2. Upon the request of said general superintendent the Massachusetts highway commission shall give to him such information and instructions as will enable him to direct said employment in a manner that will furnish material suitable and proper for road building.

Massachusetts highway commission to give instructions.

SECTION 3. Any material prepared as herein authorized may be sold to county commissioners or to city and town officers having the care of public roads; and all said material not thus sold shall be purchased by said Massachusetts highway commission, at such price as they shall decide to be fair and reasonable, for use on state highways: *provided, however*, that the general superintendent of prisons may cause any of said prisoners to be employed upon material furnished by said highway commission, who shall then pay for the labor of preparation such price as may be agreed upon by said superintendent and said commission.

Material to be sold.

Proviso.

SECTION 4. The expenses of employing prisoners under this act shall be paid from the county treasury, in the same manner as expenses of maintaining industries in the jails and houses of correction are now paid. Payment for material sold or for labor performed hereunder shall be made to the principal officer of the prison where the material is prepared; and all moneys received under this act shall be paid into the county treasury in the manner now provided by law in respect to other receipts from the labor of prisoners.

Payment of expenses, etc.

SECTION 5. This act shall take effect upon its passage.

Approved April 22, 1898.

Chap.366 AN ACT RELATIVE TO THE ANNUAL REPORTS OF STATE BOARDS AND COMMISSIONS CHARGED WITH THE EXPENDITURE OF MONEY.

Be it enacted, etc., as follows :

Annual report
to include an
itemized
account of
moneys due,
etc.

SECTION 1. Every state board and commission charged with the expenditure of money shall, in its annual report, give a detailed and itemized account of all moneys due from such board or commission and unpaid at the time of making said report, and shall include in said account a detailed and itemized statement of all claims against the board or commission making the report, said statement to give the name of the claimant, the nature of the claim, and the amount claimed.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1898.

Chap.367 AN ACT TO AUTHORIZE THE GRANTING OF HALF HOLIDAYS TO PUBLIC EMPLOYEES.

Be it enacted, etc., as follows :

Half holidays
to employees of
cities and
towns.

SECTION 1. The city council of a city and the board of selectmen of a town may, in their discretion, provide that the employees of such city or town shall be allowed one half holiday in each week, without loss of pay, during such portions of the year as said city council or selectmen may determine.

Half holidays
to employees of
Commonwealth
and county.

SECTION 2. The heads of departments of the Commonwealth shall have the same power in respect to granting a half holiday to persons employed in their respective departments which is conferred by this act upon city councils and selectmen; and the county commissioners of each county shall have the same power in respect to county employees.

Term "employ-
ees" defined.

SECTION 3. The term "employees", as used in this act, shall include laborers, mechanics, and all other classes of workmen.

SECTION 4. This act shall take effect upon its passage.

Approved April 22, 1898.

Chap.368 AN ACT TO INCORPORATE THE ROMAN CATHOLIC BISHOP OF SPRINGFIELD AND HIS SUCCESSORS A CORPORATION SOLE, TO HOLD AND MANAGE CERTAIN PROPERTY FOR RELIGIOUS AND CHARITABLE PURPOSES.

Be it enacted, etc., as follows :

Roman Catholic
Bishop of
Springfield
incorporated.

SECTION 1. The present Roman Catholic bishop of the diocese of Springfield and his successors in office shall be and are hereby made a body politic and corporation

sole, under the name of the Roman Catholic Bishop of Springfield, and by that name the said bishop and his successors in office shall be known, and shall hereafter have succession, with all the powers, rights and privileges prescribed, and subject to all the liabilities and limitations imposed by the Public Statutes. In the event of a vacancy in the office of bishop, owing to the decease of an incumbent, or should any bishop in said office be or become incapacitated from performing his duties therein, then the person regularly appointed administrator of said diocese shall, while his appointment as such administrator continues, have the same powers as are by this act conferred upon the Roman Catholic bishop of said diocese; but no person shall succeed to, or have, enjoy or administer any of the rights, privileges, powers or franchises herein granted or provided for, who is not a citizen of the United States of America.

SECTION 2. Said corporation shall be empowered to receive, take and hold, by sale, gift, lease, devise or otherwise, real and personal estate of every description, for religious, charitable and burial purposes, and to manage and dispose of the same for the religious and charitable purposes of the Roman Catholic church, subject to the laws of the Commonwealth and to the terms of any trust set forth in any bequest, devise, deed or conveyance of any such estate, or which may now exist or result by implication or force of law, with such limitations as may by law govern any such trust, with full power, subject to the laws of the Commonwealth and to the terms of such trusts, to convey the said estate by deed of mortgage for the payment of money as well as by deed absolute: *provided*, that no bequest, devise, gift or transfer inter vivos intended to take effect after death, made to such corporation in trust, for any use or purpose, shall be exempt from liability to collateral inheritance tax under the laws of this Commonwealth, unless such bequest, devise, gift or transfer would be so exempt if made to the said bishop as an individual and not a corporation upon the said trust.

SECTION 3. The present Roman Catholic bishop of Springfield shall, within six months after the passage of this act, make, sign and swear to a statement which he shall submit to the commissioner of corporations, setting forth that he lawfully and regularly holds the office of Roman Catholic bishop of Springfield, and that he accepts the provisions of this act and will duly conform to them.

Vacancy.

May take and hold real and personal estate for certain purposes, etc.

Proviso.

Statement to be filed with secretary of the Commonwealth, etc.

Statement to be filed with secretary of the Commonwealth, etc.

If it appears that the statement has been duly made, signed and sworn to, the commissioner shall certify that fact and his approval of the statement by his endorsement thereon. Such statement shall thereupon be filed by the person making the same, in the office of the secretary of the Commonwealth, who shall cause the statement, with the endorsement thereon, to be recorded, and shall thereupon issue a certificate to the person making the statement, reciting this act, the substance of the statement aforesaid, and that said Roman Catholic bishop of Springfield and his successors are legally established as and are made an existing corporation, under the name of the Roman Catholic Bishop of Springfield, with the powers, rights and privileges, and subject to the limitations, duties and restrictions which by law appertain thereto. The secretary shall sign the same and cause the seal of the Commonwealth to be thereto affixed, and such certificate shall be conclusive evidence of the existence of such corporation. He shall also cause a record of such certificate to be made, and a certified copy of such record may be given in evidence, with like effect as the original certificate.

Every successor in the office of bishop of Springfield, etc., to file statement with secretary of the Commonwealth.

SECTION 4. Every successor in the office of bishop of Springfield, and every person duly appointed to administer the office for any cause, shall forthwith make, sign and swear to a statement, which he shall immediately file in the office of the secretary of the Commonwealth, setting forth that he is a citizen of the United States, that at the time of making such statement he lawfully and regularly held the office of bishop of Springfield, or the office of administrator of the diocese thereof, as the case may be, and that he has accepted said office and commenced the duties thereof; and, in addition thereto, he shall submit to the secretary of the Commonwealth his letter of appointment in evidence of his being bishop.

Gifts, grants, devises, etc.

SECTION 5. All gifts, grants, deeds and conveyances, and also all devises and bequests heretofore made, of property within this Commonwealth, to every person who held the office of Roman Catholic bishop of Springfield, in which the addition of bishop of Springfield, or Catholic bishop of Springfield, or Roman Catholic bishop of Springfield, may have been used or made in the instrument giving or disposing of property to the grantee, devisee or legatee, shall be construed, unless the contrary clearly appears from the instrument, when the terms of it and the

limitations thereof shall prevail, as conveying, giving, granting, devising or bequeathing the property in such instrument mentioned to such person as was Roman Catholic bishop of Springfield, and that the titles passing respectively by such instruments and now held by the present Roman Catholic bishop of Springfield shall be and the same are hereby vested in the corporation established by this act, subject to any trust expressed in any said instrument, and to any limitations governing said trust.

SECTION 6. The corporation shall be subject to all laws of this Commonwealth regulating corporations established for religious and charitable purposes, requiring them to make annual and other returns to the commissioner of corporations concerning their condition and affairs.

To be subject to certain laws.

SECTION 7. This act shall take effect upon its passage.

Approved April 22, 1898.

AN ACT TO ESTABLISH THE OFFICE OF CLERK OF THE FIRST DISTRICT COURT OF SOUTHERN WORCESTER.

Chap.369

Be it enacted, etc., as follows:

SECTION 1. There shall be a clerk of the first district court of southern Worcester, who shall receive a salary of five hundred dollars a year, to be so allowed from the first day of June in the year eighteen hundred and ninety-eight.

Clerk of first district court of southern Worcester.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1898.

AN ACT RELATIVE TO THE EXEMPTION OF THE PROPERTY OF WIDOWS OF SOLDIERS OR SAILORS FROM TAXATION.

Chap.370

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and forty-eight of the acts of the year eighteen hundred and ninety-seven is hereby amended by striking out the words "exclusive of property otherwise exempted under the provisions of law", in the sixth and seventh lines, and inserting in place thereof the words:— and provided further that only two thousand dollars shall be exempted to any one family, and that the combined property of the family does not amount to over five thousand dollars,—by inserting after the word "wives", in the twenty-first line, the words:—or widows,—so as to read as follows:—

1897, 148, § 1, amended.

Certain property of disabled soldiers and sailors, etc., exempt from taxation.

Section 1. The property of the following classes of persons shall be exempt from taxation to the amount of two thousand dollars in the case of each person, provided the whole estate, real and personal, of the person so exempted does not exceed in value the sum of five thousand dollars; and provided further that only two thousand dollars shall be exempted to any one family, and that the combined property of the family does not amount to over five thousand dollars. First. Soldiers and sailors who served in the military or naval service of the United States in the war of the rebellion and who were honorably discharged therefrom, and who, by reason of injury received or disease contracted while in such service and in the line of duty, lost the sight of both eyes, or lost the sight of one eye, the sight of the other having been previously lost, or who lost one or both feet, or one or both hands. Second. Soldiers and sailors who served as aforesaid and were honorably discharged as aforesaid, and who, as the result of disabilities contracted while in such service and in the line of duty, have become permanently incapacitated for the performance of manual labor to an extent equivalent, in the judgment of the assessors, to the loss of a hand or foot. Third. Wives or widows of soldiers or sailors who would be entitled to exemption under either of the two preceding paragraphs.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1898.

Chap. 371

AN ACT RELATIVE TO SENTENCES TO THE STATE PRISON.

Be it enacted, etc., as follows:

1895, 504, § 2,
amended.

Permit to be at
liberty may
issue to certain
convicts.

Section two of chapter five hundred and four of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 2.* Any convict sentenced as aforesaid whose record of conduct shows that he has faithfully observed all the rules of said prison and has not been subjected to punishment shall be entitled to release from said prison upon the expiration of the minimum term of his sentence; and he shall then be given a permit to be at liberty therefrom during the unexpired portion of the maximum term of his sentence. Said permit shall be issued by the commissioners of prisons upon such terms and conditions as

they shall establish. Any convict whose record of conduct shows that he has violated the rules of said prison may be given a like permit at such time as the said commissioners shall determine, after the expiration of the minimum term of his sentence. The said commissioners may revoke any permit given in accordance with this section at any time before the expiration of the maximum term for which it was issued; and they shall revoke it when they have knowledge that the person to whom it was granted has been convicted of any offence punishable by imprisonment. If the holder of a permit issued as aforesaid violates any of its terms or conditions, or violates any law of the Commonwealth before the expiration of said maximum term and is convicted thereof either before or after said expiration, such permit shall thereby become void.

Permit to be at liberty may issue to certain convicts.

Approved April 25, 1898.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF SPRINGFIELD.

Chap. 372

Be it enacted, etc., as follows:

SECTION 1. The salary of the justice of the police court of Springfield shall be two thousand five hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

Justice of police court of Springfield.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1898.

AN ACT TO AUTHORIZE THE TOWN OF CONWAY TO REFUND A PORTION OF ITS INDEBTEDNESS.

Chap. 373

Be it enacted, etc., as follows:

SECTION 1. The town of Conway, for the purpose of refunding a portion of its existing indebtedness, may issue bonds or notes to an amount not exceeding sixteen thousand dollars, payable within a period not exceeding ten years from the date of issue, and bearing interest, payable semi-annually, at a rate not exceeding four per cent. per annum. Such bonds may be sold at public or private sale, and the proceeds shall be used to discharge an equal amount of the existing indebtedness of said town. The provisions of chapter twenty-nine of the Public Statutes and of all acts in amendment thereof and in addition thereto shall, so far as applicable and not inconsistent

May issue bonds or notes, etc.

P. S. 29, etc., to apply.

with the provisions of this act, apply to the indebtedness authorized by this act and to the securities issued hereunder.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1898.

Chap. 374 AN ACT RELATIVE TO THE GIVING OF TESTIMONY BY WITNESSES BEFORE SPECIAL TRIBUNALS.

Be it enacted, etc., as follows:

Witnesses may be compelled to give testimony before special tribunals.

Any justice of the supreme judicial court or of the superior court, upon the application of any magistrate or tribunal having authority to summon and compel the attendance of witnesses may, in his discretion, compel the giving of testimony by such witnesses before any such magistrate or tribunal, in the same manner and to the same extent as before said courts.

Approved April 26, 1898.

Chap. 375 AN ACT TO AUTHORIZE THE CHESHIRE WATER COMPANY TO INCREASE ITS WATER SUPPLY.

Be it enacted, etc., as follows:

May take certain waters, lands, etc.

SECTION 1. For the purpose of increasing the supply of water for the inhabitants of the town of Cheshire the Cheshire Water Company may take the waters of Kitchen brook, so-called, in the town of Cheshire, and all its tributary streams and springs, and may from time to time build and maintain all necessary dams, reservoirs and all other suitable and necessary works, and may take and hold such lands along the banks of said brook and its tributaries, and around the margin of said springs, as may be necessary for the building and maintaining of its works and for the preservation of the purity of the waters therein. Said Cheshire Water Company may also from time to time take and hold such other lands in the town of Cheshire as may be necessary for the purposes of this act: *provided, however*, that no lands, water or water rights shall be taken or entered upon, except for the purposes of survey, until all damages are paid or satisfied, or until security is given to the satisfaction of the county commissioners, for the payment of all damages that may thereafter be agreed upon, or that may be awarded to the owner or owners of the property so taken.

Proviso.

SECTION 2. Said corporation shall within sixty days after taking any land under this act, otherwise than by purchase, file in the registry of deeds for the northern district of Berkshire a description of the land so taken, sufficiently accurate for identification, with a statement of the purpose for which the same was taken, and the title of all land so taken shall vest in said corporation. Any person injured in his property by any act of said corporation, who fails to agree with said corporation as to the amount of damages which he has sustained by reason of such taking, may have such damages assessed and determined in the manner provided by law when land is taken for highways.

Description of land to be recorded.

Damages.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1898.

AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT CLERK OF COURTS FOR THE COUNTY OF BRISTOL. Chap.376

Be it enacted, etc., as follows:

SECTION 1. The salary of the assistant clerk of courts for the county of Bristol, including his travelling expenses, shall be eighteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

Assistant clerk of courts for Bristol county.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1898.

AN ACT TO AUTHORIZE THE TOWN OF NANTUCKET TO APPROPRIATE MONEY FOR CERTAIN PUBLIC PURPOSES. Chap.377

Be it enacted, etc., as follows:

SECTION 1. The town of Nantucket may, at any town meeting called for the purpose, appropriate not exceeding one thousand dollars annually for the purpose of advertising the advantages of the town, and for providing amusements or entertainments of a public character.

May appropriate money for certain purposes.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1898.

AN ACT TO PROVIDE FOR THE EXAMINATION OF VOTING AND COUNTING MACHINES, AND FOR THE USE OF THE SAME. Chap.378

Be it enacted, etc., as follows:

SECTION 1. The secretary, the treasurer and the auditor of the Commonwealth, shall hereafter, in addition to the

Secretary, treasurer and auditor to

examine voting machines, etc.

To determine times and conditions of examination, etc.

Cities and towns may purchase approved voting machines, etc.

Proviso.

duties now imposed upon them by law with regard to ballot boxes, examine voting and counting machines and apparatus.

SECTION 2. An examination of voting and counting machines or apparatus shall be made by said officials at such times, under such conditions and after such public notice as they shall determine, and they shall certify their approval of such machines as, in their judgment, furnish convenient, simple and satisfactory means of voting and of ascertaining the true result thereof with facility and accuracy, special regard being had to the prevention and detecting of double voting; but no machine shall be approved which does not secure to the voter a degree of secrecy in voting equal to that afforded by the use of the official ballot as provided by law. No machine except such as is approved in accordance with the provisions of this section shall be used at any election or caucus in this Commonwealth; nor shall any such machines be used except in accordance with the provisions of this act.

SECTION 3. Any city or town may, by a majority vote of the legal voters thereof present and voting thereon at a legal meeting held not less than ten days before the annual city election in a city and the annual town meeting in a town, determine upon, purchase and order the use of one or more voting and counting machines, approved as provided in the preceding section, at elections of state, city or town officers in said city or town; and thereafter at all elections of state, city or town officers in said city or town, until otherwise ordered by the board of aldermen in a city and the board of selectmen in a town, said machines shall be used for the purpose of voting for the officers to be elected at such elections and for taking the vote upon the question of granting licenses for the sale of intoxicating liquors, and shall also be used at caucuses whenever in a town or a ward of a city fifty voters, members of the political party whose caucus is to be held, shall sign and file such request with the city or town clerk, except that in the city of Boston the request shall be filed with the board of election commissioners: *provided, however*, that in the city of Boston the power to determine upon voting and counting machines shall be vested in the board of election commissioners, and the power to purchase and order such machines as above provided shall be vested in the board of aldermen of said city.

SECTION 4. Whenever voting and counting machines are purchased and approved the persons of whom such machines are purchased shall give to the secretary of the Commonwealth a bond, with sufficient sureties, to keep such machines in good working order for two years at their own expense.

Persons of whom machines are purchased to give bond, etc.

SECTION 5. It shall be the duty of the officials named in section one of this act to make regulations for the use of the machines approved by them, and to prepare and furnish suitable instructions for the guidance of voters in cities or in towns where such machines are used.

Instructions to be furnished, etc.

SECTION 6. Chapter four hundred and sixty-five of the acts of the year eighteen hundred and ninety-three and chapter four hundred and ninety-eight of the acts of the year eighteen hundred and ninety-six are hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its passage.
Approved April 26, 1898.

AN ACT RELATIVE TO COUNTING BALLOTS AND TO CAUCUS OFFICERS. *Chap. 379*
Be it enacted, etc., as follows:

SECTION 1. Section twenty-two of chapter five hundred and seven of the acts of the year eighteen hundred and ninety-five, as amended by section twenty-three of chapter five hundred and thirty of the acts of the year eighteen hundred and ninety-seven, is hereby amended by inserting after the word "voters", in the third line, the words: — and within three feet of the rail, — so as to read as follows: — *Section 22.* Immediately after the polls are declared closed, but not before, the ballots shall be counted in full view of the voters and within three feet of the rail. When the total result and counting of ballots has been ascertained the presiding officer shall make public announcement thereof in open meeting, and shall in open meeting, cause the clerk of the caucus to enter in words at length in the record book, provided for his use by the city or town clerk, the total number of names checked on the voting list, the total number of ballots cast, the names of all persons voted for, the number of votes received for each person, and the title of the delegation or office for which he was proposed. Each clerk of a caucus shall forthwith make a copy of the record so made by him, certify and seal the same, and transmit the same with the record book to the city or town clerk, as hereinafter provided. The clerk shall then, in the presence of those who

1895, 507, § 22, etc., amended.

Counting of ballots, etc.

Clerk to make copy of record, seal up ballots, etc.

Package to be endorsed and transmitted to city or town clerk, etc.

are responsible for the count and before the adjournment of the caucus, seal up all ballots which have been cast, together with the check lists used in the caucus and a statement regarding any challenge which has been made. The warden and clerk of the caucus shall endorse upon such package the name of the political party holding the caucus, for what delegations and candidatures and in what ward the ballots were cast, and the date of the caucus. The warden shall forthwith transmit to the city or town clerk, by the police officer or by some other legal officer stationed by said clerk in attendance at the caucus, all the ballots cast and the voting lists, the copy of the records, sealed as aforesaid, together with the record book of the clerk.

Ballots and voting lists to be safely kept for a certain time.

The city or town clerk shall safely keep such sealed packages for a period of ten days. If before the expiration of said time he shall be requested in writing by ten voters entitled to vote in said caucus, he shall safely keep said ballots and voting lists for the period of three months thereafter and shall produce the same if called for by any court, justice, tribunal or convention having jurisdiction of the same.

1895, 507, § 28, etc., amended.

SECTION 2. Section twenty-eight of chapter five hundred and seven of the acts of the year eighteen hundred and ninety-five, as amended by section twenty-four of chapter five hundred and thirty of the acts of the year eighteen hundred and ninety-seven, is hereby amended by inserting after the word "clerk", in the twelfth line, the words: — or inspector, — and by inserting after the word "who", in the same line, the words: — is a state, county or city employee, or who, — so as to read as follows: —

Additional caucus officers may be elected.

Section 28. If at any caucus a majority of the caucus officers shall so vote, additional officers, to serve in that caucus only, may be elected by a majority vote of the caucus officers present and voting thereat, and in case of the absence of any caucus officer the vacancy thus occurring shall be filled in the same manner.

Vacancy to be filled by remaining officers, etc.

In case of a vacancy in the number of caucus officers by death, declination of election, resignation, removal from the city or town, or otherwise, the vacancy shall be filled by a majority vote of all the remaining caucus officers.

Certain persons not eligible.

No person shall be eligible to the position of warden or clerk or inspector who is a state, county or city employee, or who is a member of a ward or town committee, and no person shall serve as a caucus officer at any caucus

wherein he is a candidate for an elective office or for a nomination to an elective office, or candidate for ward or town committee.

Approved April 27, 1898.

AN ACT RELATIVE TO INSURANCE AGAINST LOSS BY BOMBARDMENT.

Chap. 380

Be it enacted, etc., as follows:

SECTION 1. All insurance companies authorized to transact fire insurance business in this Commonwealth may, in addition to the business which they are now authorized by law to do, insure property against loss by bombardment. Contracts of insurance of this kind shall not be incorporated in any contract of insurance against loss or damage by fire, but shall be contained in separate and distinct policies.

Insurance companies may insure property against loss by bombardment.

SECTION 2. Section eighty-three of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four is hereby amended by inserting after the word "fire", in the fifth line thereof, the words:—or bombardment,—so as to read as follows:—*Section 83.* The insurance commissioner, upon the annual payment of a fee of twenty dollars, may issue licenses to citizens of this Commonwealth, subject to revocation at any time, permitting the person named therein to procure policies of fire or bombardment insurance on property in this Commonwealth in foreign insurance companies not authorized to transact business in this Commonwealth. Before the person named in such a license shall procure any insurance in such companies on any property in this Commonwealth he shall in every case execute and file with the insurance commissioner an affidavit that he is unable to procure, in companies admitted to do business in the Commonwealth, the amount of insurance necessary to protect said property, and shall only procure insurance under such license after he has procured insurance in companies admitted to do business in this Commonwealth to the full amount which said companies are willing to write on said property: *provided*, that such licensed person shall not be required to offer any portion of such insurance to any company which is not possessed of cash assets amounting to at least twenty-five thousand dollars, or one which has, within the preceding twelve months, been in an impaired condition. Each person so licensed shall keep a separate account of the business done under the license, a certified copy of which account he shall forthwith file with the insurance

1894, 522, § 83, amended.

Conditions under which unauthorized companies may lawfully insure property.

Proviso.

Separate account to be kept, etc.

Separate
account to be
kept, etc.

commissioner, showing the exact amount of such insurance placed for any person, firm or corporation, the gross premium charged thereon, the companies in which the same is placed, the date of the policies and the term thereof, and also a report in the same detail of all such policies cancelled, and the gross return premiums thereon, and before receiving such license shall execute and deliver to the treasurer and receiver general of the Commonwealth a bond in the penal sum of two thousand dollars, with such sureties as the treasurer and receiver general shall approve, with a condition that the licensee will faithfully comply with all the requirements of this section, and will file with the treasurer and receiver general, in January of each year, a sworn statement of the gross premiums charged for insurance procured or placed and the gross returned premiums on such insurance cancelled under such license during the year ending on the thirty-first day of December next preceding, and at the time of filing such statement will pay into the treasury of the Commonwealth a sum equal to four per cent. of such gross premiums, less such returned premiums so reported.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1898.

Chap.381

AN ACT RELATIVE TO THE APPOINTMENT OF A JUSTICE OF THE PEACE IN THE CITY OF QUINCY, WITH AUTHORITY TO ISSUE IN CRIMINAL CASES WARRANTS RETURNABLE TO THE DISTRICT COURT OF EAST NORFOLK, AND TO TAKE BAIL IN SUCH CASES.

Be it enacted, etc., as follows :

Justice of the
peace in Quincy
may be ap-
pointed to issue
warrants and
take bail.

The governor, with the advice and consent of the council, may from time to time designate and commission some justice of the peace residing in the city of Quincy who may issue warrants returnable to the district court of east Norfolk in criminal cases arising within the judicial district of said court, and may take bail in such cases.

Approved April 27, 1898.

Chap.382

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE SECOND DISTRICT COURT OF EASTERN WORCESTER.

Be it enacted, etc., as follows :

Clerk of second
district court
of eastern
Worcester.

SECTION 1. Until the first day of January in the year nineteen hundred and three the clerk of the second district court of eastern Worcester shall receive, in addition to

his salary as now established by law, the sum of four hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1898.

AN ACT TO AUTHORIZE THE CITY OF GLOUCESTER TO INCUR IN-DEBTEDNESS FOR STREET IMPROVEMENTS. *Chap. 383*

Be it enacted, etc., as follows:

SECTION 1. The city of Gloucester for the purpose of laying out, establishing, constructing and improving, either by macadam, paving or asphalt, Washington, Main, Prospect and East Main streets, and Essex, Western, Maplewood and Eastern avenues within the limits of said city, and for defraying the cost of any real estate or interest therein purchased or taken for any of said purposes, and for paying all expenses incidental thereto, may incur indebtedness to an amount not exceeding one hundred and fifty thousand dollars, and may from time to time issue negotiable bonds, notes or scrip therefor, but not exceeding in amount the sum of fifty thousand dollars in any one municipal year. Such bonds, notes or scrip shall be denominated on their face, City of Gloucester Street Improvement Loan, Act of 1898, shall be signed by the treasurer and countersigned by the mayor of said city, shall be payable in periods not exceeding thirty years from the date of issue, shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually, and shall not be considered or reckoned in determining the limit of indebtedness of said city. The proceeds of said loan shall be used for the purposes authorized by this act and no other.

City of Gloucester Street Improvement Loan, Act of 1898.

SECTION 2. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of all acts in amendment thereof or in addition thereto shall apply to the indebtedness hereby authorized and the securities issued hereunder, and to the establishment of a sinking fund for the payment thereof at maturity.

P. S. 29, etc., to apply.

SECTION 3. The city council of said city shall have authority and power to lay out, widen, straighten, discontinue, relocate, establish the grade of and otherwise alter, any of the highways named in section one of this act within the limits of said city, but the same shall first

City council may lay out, relocate, etc., certain highways.

be acted upon by the board of aldermen. Any party aggrieved by such laying out, widening or other alteration shall have the same remedies as in the case of town ways: *provided, however*, that nothing in this act shall be construed so as to exclude the jurisdiction of the county commissioners.

Proviso.

County commissioners may allow to city certain sums, etc.

SECTION 4. The county commissioners of the county of Essex, upon petition of the city council of said city, may allow from the treasury of said county to said city such sums of money as they may think just and equitable, to indemnify said city in part for the expense incurred in laying out, constructing, widening or otherwise altering and improving any county highway, or part thereof, under the provisions of this act, in carrying out any order of the city council relating thereto, including the expenses of taking land therefor. All money so repaid, and all premiums, if any, received from the sale of such bonds, notes or scrip shall be paid over to the board of commissioners of sinking funds of said city, and be placed in the sinking fund created for the payment of the indebtedness hereby authorized. The county treasurer with the approval of the county commissioners may make such loans as they may see fit, to meet said expenditure.

County treasurer may make loans.

Only citizens of Commonwealth to be employed, etc.

SECTION 5. No persons excepting citizens of this Commonwealth shall be employed on any work authorized by this act, preference being given to citizens of the city of Gloucester.

Question of acceptance to be submitted to voters.

SECTION 6. This act shall be submitted for acceptance to the legal voters of the city of Gloucester at the next annual municipal election held therein, and the affirmative vote of a majority of the voters present and voting thereon shall be required for its acceptance.

When to take effect.

SECTION 7. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said city shall take effect upon its passage. If duly accepted as above-provided it shall take full effect from the date of its acceptance, but otherwise it shall be null and void.

Approved April 29, 1898.

Chap. 384

AN ACT RELATIVE TO THE ADMISSION OF ATTORNEYS-AT-LAW.

Be it enacted, etc., as follows:

1897, 508, § 2, amended.

Section two of chapter five hundred and eight of the acts of the year eighteen hundred and ninety-seven is hereby amended by striking out the words "the court

shall refer the petition", in the seventh line, and inserting in place thereof the words:—unless the court shall otherwise order, the petition shall be referred,—and by inserting after the word "determine", in the twelfth line, the words:—If the court shall make an order upon any petition with reference to the admission of such petitioner, the petitioner shall be admitted in accordance with such order,—so as to read as follows:—*Section 2.* A citizen of this Commonwealth, or an alien who has made the primary declaration of his intention to become a citizen of the United States, and who is an inhabitant of this Commonwealth, of the age of twenty-one years, may petition the supreme judicial or the superior court to be examined for admission as an attorney, whereupon, unless the court shall otherwise order, the petition shall be referred to the board of bar examiners, that they may ascertain his acquirements and qualifications. If the board report that the applicant is of good moral character, and recommend his admission, he may be admitted unless the court shall otherwise determine. If the court shall make an order upon any petition with reference to the admission of such petitioner, the petitioner shall be admitted in accordance with such order. A fee of ten dollars shall be paid by each candidate upon the entry of his petition, and in case of any subsequent petition of the same candidate a fee of five dollars, to the clerk of the court to which application is made, which shall be forwarded by said clerk to the treasurer of the Commonwealth.

Petition for examination for admission as an attorney, etc.

Fees.

Approved April 29, 1898.

AN ACT TO INCORPORATE THE NORTHFIELD WATER COMPANY.

Chap. 385

Be it enacted, etc., as follows:

SECTION 1. Charles H. Webster, Frank E. Stimpson, Charles A. Linsley, Ellen F. Alexander, Mary J. Osgood, Mary A. Pomeroy, Martha Hall, Charles S. Warner, Charles H. Green and Rollin C. Ward, are hereby made a corporation by the name of the Northfield Water Company, for the purpose of supplying the inhabitants of Northfield with water for the extinguishment of fires and for domestic and all other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Northfield Water Company incorporated.

May take certain waters, lands, etc.

SECTION 2. Said corporation, for the purposes aforesaid, may lease, take and acquire by purchase or otherwise, the waters, or so much thereof as may be necessary, of the brook between Hemlock and Round mountains in the town of Northfield, known as the Minot brook, and all the water rights connected therewith, and may also take and hold, by purchase or otherwise, all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands and ways: *provided, however*, that said company shall not enter upon and dig up any public ways except with the approval of the board of selectmen of the town in which such ways are situated.

May lay conduits, pipes, etc.

Proviso.

Description of lands, etc., to be recorded.

SECTION 3. Said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county and district in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Damages.

SECTION 4. Said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the

laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application shall be made for the assessment of damages for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

SECTION 5. Said corporation may distribute the water through said town; may regulate the use of said water and fix and collect the rates to be paid for the use of the same; may establish public fountains and hydrants and relocate or discontinue the same; and may make such contracts with the said town or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishment of fire or for any purposes, as may be agreed upon by said town or such fire district, individual or corporation, and said corporation.

Distribution of water, etc.

SECTION 6. Said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount ten thousand dollars, and the whole capital stock of said corporation shall not exceed ten thousand dollars, to be divided into shares of one hundred dollars each.

Real estate and capital stock.

SECTION 7. Immediately after the payment of the capital stock of said company a certificate of that fact and of the manner in which the same has been paid in, and, at the time of making the certificate, has been invested, or voted by the corporation to be invested, signed and sworn to by the president, treasurer and a majority at least of the directors, and approved by the commissioner of corporations, shall be filed in the office of the secretary of the Commonwealth. A conveyance to the corporation of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and indorsed with his certificate that he is satisfied that said valuation is fair and reasonable.

Certificate of payment of capital to be filed, etc.

May issue mortgage bonds, etc.

SECTION 8. Said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Penalty for corruption of water, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Security for payment of damages, etc., required in certain cases.

SECTION 10. Upon application of the owner of any land, water or water rights taken under this act, the county commissioners for the county in which such land, water or water rights are situated shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the said county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking; and the said county commissioners shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for the purpose of making surveys, shall be suspended until it gives the security required.

Town may take franchise, property, etc.

SECTION 11. Said town of Northfield shall have the right at any time to take by purchase or otherwise the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of the purchase or taking, as herein pro-

vided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year then such excess shall be added to the total cost, and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of said corporation shall be annually submitted to the selectmen of the town of Northfield, and by said selectmen to the citizens of said town. Said town on taking as herein provided the property of said corporation shall assume all of its outstanding obligations, including the bonds authorized in this act, and upon request of the holders of said bonds the town treasurer shall certify thereon that the principal and interest when due shall be paid, as therein set forth, by said town. The amount of bonds thus assumed shall be deducted from the total amount to be paid by said town to said corporation. In case said town shall have voted to purchase of said corporation its franchise, corporate property, rights and privileges, and cannot agree with said corporation upon the amount of the total actual cost thereof, then upon a suit in equity by either said town or said corporation the supreme judicial court shall ascertain and fix such total actual cost under the foregoing provisions of this act, and shall enforce the right of said town to take possession of said franchise, corporate property, rights and privileges, upon the payment of such cost to said corporation. This authority to take said franchise and property is granted on condition that the same is assented to by said town by a two thirds vote of the voters present and voting thereon at a meeting called for that purpose, provided that no more than three such meetings shall be held in any one year.

Statement of receipts and expenditures to be submitted annually, etc.

SECTION 12. Said town may for the purpose of paying the cost of said franchise and corporate property and the liabilities and the necessary expenses incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate thirty thousand dollars; such bonds, notes or scrip shall bear on their face the words, Northfield Water Loan; shall be payable at the expiration of periods not exceed-

Northfield
Water Loan.

ing thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper. Said town shall pay the interest on said loan as it accrues, and shall provide for the payment of said principal at maturity by establishing at the time of contracting said debt a sinking fund, or from year to year by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said town shall decide to establish a sinking fund it shall contribute thereto annually a sum of money sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town shall decide to pay the principal of said loan by instalments such amounts as may be necessary to make such payments shall without further vote of said town be raised annually by taxation, in the same manner as money is raised for other town expenses.

Sinking fund,
etc.

Water commis-
sioners, elec-
tion, terms, etc.

SECTION 13. Said town shall, after its purchase of said franchise and corporate property as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each town meeting thereafter one such commissioner shall be elected by ballot for the term of three years.

Authority,
restrictions, etc.

SECTION 14. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject however to such restrictions, rules and regulations as said town may impose by its vote. Said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board for any cause may

To be trustees
of sinking fund,
etc.

be filled for the remainder of the unexpired term by said town at any legal meeting called for the purpose.

SECTION 15. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, or the bonds of said corporation assumed by said town, if any, and to make such contributions to the sinking fund as may be required under the provisions of this act. Said town is further authorized by a two thirds vote of the voters of said town present and voting at any legal meeting to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith, not exceeding five thousand dollars in any one year.

Payment of expenses, etc.

Town may extend its water works.

SECTION 16. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within three years from the date of its passage.

When to take effect.

Approved April 29, 1898.

AN ACT RELATIVE TO THE APPORTIONMENT OF THE COST OF MAINTAINING A BRIDGE OVER THE CONNECTICUT RIVER BETWEEN AGAWAM AND SPRINGFIELD.

Chap. 386

Be it enacted, etc., as follows :

SECTION 1. The expenses of maintaining and repairing the bridge and its appurtenances constructed under the provisions of chapter two hundred of the acts of the year eighteen hundred and seventy-three shall hereafter be paid by the city of Springfield and the town of Agawam in the following proportions, namely : Eighty-five per cent. by the city of Springfield and fifteen per cent. by the town of Agawam.

Apportionment of expense of maintaining bridge.

SECTION 2. Said city and town shall be respectively liable, under the limitations of the law, for damages resulting from defects in said bridge and its appurtenances, in the same proportions as they respectively pay towards the cost of maintaining and keeping the same in repair.

Liability for damages.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1898.

Chap. 387 AN ACT RELATIVE TO RELOCATING AND WIDENING A BRIDGE OVER
THE ACUSHNET RIVER BETWEEN THE CITY OF NEW BEDFORD AND
THE TOWN OF FAIRHAVEN.

Be it enacted, etc., as follows :

1893, 368, § 1,
etc., amended.

Relocation and
widening of
bridge over
Fish island and
Pope's island.

Provisos.

SECTION 1. Section one of chapter three hundred and sixty-eight of the acts of the year eighteen hundred and ninety-three, as amended by chapters two hundred and thirty-nine and five hundred and thirty of the acts of the year eighteen hundred and ninety-four, and by chapter two hundred of the acts of the year eighteen hundred and ninety-seven, is hereby amended by striking out the words "four hundred and fifty", in the sixteenth line, and inserting in place thereof the words:—eight hundred,—and by striking out the words "have the right to retain or to remove any portion", in the twenty-fifth and twenty-sixth lines, and inserting in place thereof the words:—subject to the directions of the war department of the United States, remove all portions,—so as to read as follows:—*Section 1.* The county commissioners of the county of Bristol are hereby authorized and directed to widen the bridge between the city of New Bedford and the town of Fairhaven, which leads over the islands known as Fish island and Pope's island, or to make such changes in the location of the present bridge and the approaches and any way leading thereto, or any part thereof, as in the judgment of said commissioners the public necessity and convenience may require. In any such widening or new location so made, the said commissioners may reconstruct the present bridge and approaches or way, or may construct a new bridge and approaches and way, with a width, in either case, not exceeding one hundred feet; the expense of constructing said bridge, outside of the approaches and way thereto on the New Bedford side, shall not exceed eight hundred thousand dollars, exclusive of land damages occasioned by the location and construction thereof: *provided*, that any change in the location of said bridge, its approaches and way, shall not be located farther north than the north line of North street, nor farther south than the south line of Middle street, in said New Bedford, nor more than one thousand feet north or south of the location of the present bridge in said Fairhaven; and *provided, further*, that said county commissioners shall, subject to the directions of the war department of the United States, remove all portions of

the present bridge structure within tide water, not needed to be retained in the new construction, but the expense of such removal shall be included in the expenses of constructing the work authorized hereunder.

SECTION 2. The county commissioners are authorized to make such changes in the grades of said bridge heretofore decreed by them, as in their judgment may be needful. Any person or corporation that may be injured by any such change shall be entitled to such damages as they may suffer by reason thereof. The county commissioners shall file in the registry of deeds for the southern district of the county of Bristol a description of such changes with their award of damages, if any, and any person or corporation aggrieved by such award or a failure to award damages may, within six months after the filing of such description or descriptions in said registry, apply for a jury to the superior court for the county of Bristol to appraise such damages, in the same manner and subject to the same provisions as in case of land taken for a highway.

County commissioners may make changes in grades, etc.

SECTION 3. The county commissioners shall provide temporary structures and facilities to accommodate travel interrupted by the construction of the bridge, and the expense thereof and the reimbursement of the city of New Bedford for sums already expended by said city for such purpose shall be paid by the county, and shall be chargeable to the fund herein provided for construction east of the abutment on the New Bedford shore.

Temporary structures, etc., to be provided.

SECTION 4. County loans for any of the purposes of this act shall be kept in three separate accounts, but shall be joined for purposes of apportionment under section six of chapter three hundred and sixty-eight of the acts of the year eighteen hundred and ninety-three. Renewals of any and all bridge loans may be made from time to time as convenience may require.

County loans.

SECTION 5. This act shall take effect upon its passage.

Approved April 29, 1898.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE SECOND DISTRICT COURT OF EASTERN WORCESTER.

Chap. 388

Be it enacted, etc., as follows:

SECTION 1. Until the first day of January in the year nineteen hundred and three the justice of the second district court of eastern Worcester shall receive, in addition

Justice of second district court of eastern Worcester.

to his salary as now established by law, the sum of three hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1898.

Chap.389

AN ACT RELATIVE TO OFFICIAL SEALS AND CERTIFICATES.

Be it enacted, etc., as follows :

City registrar
to have official
seal.

SECTION 1. The city of Boston shall provide for use by the registrar of births, deaths and marriages of said city an official seal, and said registrar shall attest all certificates from records in his custody with said seal.

Town clerks
to have official
seals.

SECTION 2. Every town shall provide for the use of its town clerk an official seal, bearing the name of the town and the date of its incorporation, and of such general design as may be approved by the selectmen thereof.

Copies of cer-
tain records to
be furnished
under official
seal.

SECTION 3. Said registrar and every city and town clerk, when furnishing a copy of any record of births, deaths or marriages in his charge, shall furnish the same under the official seal of the city or town, as the case may be.

To take effect
January 1, 1899.

SECTION 4. This act shall take effect on the first day of January in the year eighteen hundred and ninety-nine.

Approved April 29, 1898.

Chap.390

AN ACT RELATIVE TO THE BOARD OF LICENSE COMMISSIONERS OF THE CITY OF HAVERHILL.

Be it enacted, etc., as follows :

Appointment
of license com-
missioners in
Haverhill.

SECTION 1. License commissioners hereafter to be appointed in the city of Haverhill under the provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety-four shall be appointed by the mayor, subject to confirmation by the board of aldermen. No appointment however shall be acted upon by the board of aldermen until the expiration of one week after such appointment is transmitted to said board, except by unanimous consent of said board.

May be removed
for cause.

SECTION 2. A member of the board of license commissioners, appointed as provided by section one of this act, may be removed for cause by the mayor, subject to the approval of the board of aldermen.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1898.

AN ACT RELATIVE TO THE SUPPORT OF STATE POOR BY CITIES *Chap.391*
AND TOWNS.

Be it enacted, etc., as follows:

Section twenty-six of chapter eighty-six of the Public Statutes, as amended by chapter two hundred and eleven of the acts of the year eighteen hundred and eighty-five, and by chapter one hundred and fifty-three of the acts of the year eighteen hundred and ninety-one, is hereby amended by inserting after the word “the”, in the first line, the word:—reasonable,—and by striking out all of said section after the word “Commonwealth”, in the sixth line, and inserting in place thereof the words:—The bills for such support shall not be allowed unless they are endorsed with the distinct declaration that, after full investigation, no kindred able to pay the amount charged have been found, and that the amount has actually been paid from the city or town treasury, nor unless they are approved by the state board or by some person designated by it; and not more than five dollars a week shall be allowed for the support of a person in a city or town hospital,—so as to read as follows:—*Section 26.* The reasonable expense incurred by a city or town under the provisions of the preceding section, within five days next before notice has been given as therein required, and also after the giving of such notice and until said sick person is able to be removed to the almshouse shall be reimbursed by the Commonwealth. The bills for such support shall not be allowed unless they are endorsed with the distinct declaration that, after full investigation, no kindred able to pay the amount charged have been found, and that the amount has actually been paid from the city or town treasury, nor unless they are approved by the state board or by some person designated by it; and not more than five dollars a week shall be allowed for the support of a person in a city or town hospital.

P. S. 86, § 26,
etc., amended.

Expense to be
reimbursed by
Commonwealth.

Approved April 29, 1898.

AN ACT RELATIVE TO SUPPLYING CERTAIN CITIES AND TOWNS *Chap.392*
WITH WATER FROM THE METROPOLITAN WATER WORKS.

Be it enacted, etc., as follows:

Section three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five

1895, 488, § 3,
amended.

To construct,
etc., a system
of metropolitan
water works.

Metropolitan
Water District.

Certain cities
and towns may
be admitted, etc.

Proviso.

Distribution of
payments of
money, furnish-
ing of water, etc.

is hereby amended by inserting after the word “determine”, in the twenty-eighth line, the words:—*provided*, that any such city or town shall first have acquired the works of any water company therein situated, constructed for the purpose of supplying said city or town or its inhabitants with water,—so as to read as follows:—*Section 3.* Said board, acting for the Commonwealth, shall construct, maintain and operate a system of metropolitan water works substantially in accordance with the plans and recommendations of the state board of health, contained in their report to the legislature of the year eighteen hundred and ninety-five, and shall provide thereby a sufficient supply of pure water for the following named cities and towns, and the inhabitants thereof, to wit:—The cities of Boston, Chelsea, Everett, Malden, Medford, Newton and Somerville, and the towns of Belmont, Hyde Park, Melrose, Revere, Watertown and Winthrop, which cities and towns shall constitute the Metropolitan Water District; shall secure and protect the purity of said water; shall on application furnish water to any city or town aforesaid that at the time of application owns its water pipe system; shall on application admit any other city or town, any part of which is within ten miles of the state house, into said water district, and furnish water to the same on the terms prescribed by this act for the cities and towns aforesaid, and on such payment of money as said board may determine; shall on application furnish water to any water company owning the water pipe system in any town within said ten miles, on such water company assuming the assessments of the town, if any, and making such payment of money as said board may determine; and may from time to time furnish water to any other city, town or water company, on such payment of money as said board may determine: *provided*, that any such city or town shall first have acquired the works of any water company therein situated, constructed for the purpose of supplying said city or town or its inhabitants with water. All payments of money aforesaid shall be distributed to the cities and towns in said district in proportion to the total amount of the annual assessments theretofore paid by them respectively. Said board shall furnish said water to the city, town or company, by delivering the same into a main water pipe, reservoir or tank of the city, town or company, under sufficient pres-

sure for use without local pumping, unless delivered in some other manner by mutual agreement between the parties interested; and shall have the direction and control of the connections between the metropolitan and local systems. Said board may utilize the fall of water at any dam under their charge, and may thereby produce power or electricity, and may transmit such power or electricity by pipes, wires, or other suitable means, and sell the same, or the right to use such water, by written or other contract, to run for a term not exceeding fifteen years. Any person or corporation authorized by said board shall have all the powers relating to the production, sale and transmission of power and electricity given by this act to said board.

Approved April 29, 1898.

AN ACT RELATIVE TO RECLAIMING AND IMPROVING WASTE AND UNUSED LAND WITH THE LABOR OF PRISONERS FROM JAILS AND HOUSES OF CORRECTION.

Chap. 393

Be it enacted, etc., as follows:

SECTION 1. The governor and council may purchase or otherwise take in fee any parcel of waste and unused land, not exceeding one thousand acres in area, for the purpose of reclaiming, improving and disposing of said land for the benefit of the Commonwealth.

May take
unused land,
etc.

SECTION 2. The governor and council shall cause to be filed in the registry of deeds where any land taken as aforesaid is situated a description of the land so taken as certain as is required in an ordinary conveyance of land, with a statement, signed by the governor, that said land is taken on behalf of the Commonwealth for the purposes of this act; and the act and time of said filing shall be deemed the act and time of taking said land, and to be sufficient notice to all persons that said land has been so taken. The title to such land shall then vest in the Commonwealth.

Description of
land to be filed,
etc.

SECTION 3. The governor and council shall have full power to settle by agreement or arbitration the amount to be paid to any person on account of said taking, and if the amount is not settled in the manner aforesaid the governor and council shall, within sixty days from the date of such taking, appraise the value of every unsettled interest in said land, as far as can be ascertained, and shall file a statement of their findings with the auditor of the Commonwealth. The auditor shall then, upon the

Settlement of
amount to be
paid on account
of taking of
land, etc.

application of the person whose interest is so appraised, certify the amount awarded to said person by said findings, and a warrant shall be drawn for the payment of such amount from the treasury of the Commonwealth. The acceptance of such payment shall be deemed an acknowledgment of full satisfaction. Any person dissatisfied with said findings may, upon application within one year from the date of said taking, have his damages assessed by a jury in the manner provided by law in case of taking land for highways; but no such application shall be made after the expiration of one year.

Iron buildings for accommodation of prisoners to be erected.

SECTION 4. As soon as may be after any land is taken as aforesaid the general superintendent of prisons, with the approval of the governor and council, shall cause to be erected on said land iron buildings of cheap construction, suitable for the accommodation of not exceeding one hundred prisoners.

Temporary industrial camp for prisoners to be established, etc.

SECTION 5. When the said buildings are ready for occupancy the governor may issue his proclamation establishing on said land a temporary industrial camp for prisoners; and, with the advice and consent of the council, he may appoint a superintendent of said camp, who shall hold office during the pleasure of the governor and council. Said superintendent shall give such bond as the governor and council may direct, and shall receive such salary as they may determine.

Custody of prisoners, etc.

SECTION 6. Said superintendent shall have the custody of all prisoners removed to said camp, and, with the approval of the general superintendent of prisons, he may appoint such assistants as are necessary and fix their compensation. Said assistants shall hold office during the pleasure of said superintendent.

Removal and release of prisoners.

SECTION 7. When said camp is established and organized as aforesaid the commissioners of prisons may remove prisoners thereto from the jails and houses of correction in the same manner that such prisoners are now removed to the state farm; and the said commissioners may at any time return a prisoner to the place of imprisonment from which he was removed. Prisoners held at said camp shall be subject to all the laws that now apply to prisoners at the state farm, and may be released from said camp by the superintendent, with the approval of the general superintendent of prisons, in the same way as prisoners are now released from said farm by the trustees thereof.

SECTION 8. Prisoners held at said camp shall be employed in reclaiming and improving said land and in preparing by hand labor material for road building. All such work shall be done under regulations made by the general superintendent of prisons; and the Massachusetts highway commission and the board of agriculture shall from time to time, at his request, give him such information as will enable him to cause the work to be prosecuted to the best advantage.

Prisoners to be employed in improving land, etc.

SECTION 9. The expenses of maintaining said camp shall be paid from the treasury of the Commonwealth on schedules sworn and certified by said superintendent and approved by the general superintendent of prisons. All purchases and sales on account of said camp, except as to the land, shall be made by said superintendent under a like approval. All receipts for articles or materials sold shall be paid into the treasury of the Commonwealth each month.

Payment of expenses, etc.

SECTION 10. Any land reclaimed or improved as aforesaid may be devoted to the use of the Commonwealth, or it may be disposed of by the governor and council at public or private sale. Any road material prepared as aforesaid may be sold by the superintendent of said camp, with the approval of the general superintendent of prisons, to the authorities of the Commonwealth or of any county, city or town.

Disposition of improved land, etc.

SECTION 11. This act shall take effect upon its passage.
Approved April 29, 1898.

AN ACT RELATIVE TO THE PROTECTION OF CHILDREN.

Chap. 394

Be it enacted, etc., as follows:

SECTION 1. Section forty-nine of chapter five hundred and eight of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 49.* No person shall employ or exhibit or sell, apprentice or give away for the purpose of employing or exhibiting, a child under fifteen years of age, in dancing on the stage, playing on musical instruments, singing, walking on a wire or rope, or riding or performing as a gymnast, contortionist or acrobat, in any circus or theatrical exhibition, or in any public place whatsoever, or cause, procure or encourage any such child to engage therein: *provided*, that nothing in this section

1894, 508, § 49, amended.

Children under fifteen years of age not to be used for purposes of exhibition, etc.

Proviso.

shall be construed to prevent the education of children in vocal and instrumental music or dancing, or their employment as musicians in any church, chapel or school, or school exhibition, or to prevent their taking part in any festival, concert or musical exhibition on the special written permission of the mayor and aldermen of a city or of the selectmen of a town.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1898.

Chap. 395 AN ACT TO PROVIDE FOR ILLUMINATING THE DOME AND LANTERN OF THE STATE HOUSE, AND FOR IMPROVEMENTS ON THE STATE HOUSE GROUNDS.

Be it enacted, etc., as follows:

Committee to consider plans for illuminating dome of state house, etc.

SECTION 1. His Excellency Roger Wolcott, governor of the Commonwealth, George E. Smith, president of the senate, and John L. Bates, speaker of the house of representatives, shall, as a committee serving without pay, consider and decide upon plans for placing electric lights about the dome and lantern of the state house, for supplying the fountains with piping, pump and tank and with electrical appliances for lighting, and for trenching the grounds. Any vacancies occurring in said committee shall be filled by the governor, with the advice and consent of the council.

Vacancies.

May employ an expert to make drawings, etc.

SECTION 2. For the purposes stated in section one of this act said committee is hereby authorized and directed to employ an expert to make and submit for its approval drawings, specifications and designs. Said expert shall superintend the execution of the work in accordance with such drawings, specifications, designs and plans as shall be approved by the committee, and in accordance with such changes therein as may be thereafter approved in writing by said committee. The drawings, specifications, designs and plans approved by said committee, and any changes from time to time made therein with the written approval of the committee, shall be delivered to the state house commissioners.

Drawings, etc., to be delivered to state house commissioners.

State house commissioners to make contracts, employ labor, etc.

SECTION 3. The state house commissioners are hereby authorized and directed, upon receipt of said drawings, specifications, designs and plans, to proceed to carry out the same, and to make in behalf of the Commonwealth all contracts and expenditures, and to employ all labor

which shall be necessary for that purpose, but the expense incurred by said commissioners under the provisions of this act, including the compensation of the expert employed under the provisions of section two, which shall be paid by them, shall not exceed ten thousand five hundred dollars, which sum shall be taken from the unexpended balance of the loan for remodelling the Bulfinch state house.

SECTION 4. This act shall take effect upon its passage.

Approved May 2, 1898.

AN ACT RELATIVE TO THE SUPPORT OF THE POOR IN TOWNS.

Chap. 396

Be it enacted, etc., as follows:

SECTION 1. In towns where paupers are provided for in families the overseers of the poor shall investigate each place where the town paupers are to be so provided for, and shall endeavor by contract to secure their proper care and maintenance. A full and complete record of each case shall be kept, showing the terms of the contract and what services, if any, are to be rendered by the paupers. A majority of the overseers of the poor shall certify upon the records that such investigation has been made in each case, and that they are satisfied that the paupers will be properly cared for. The overseers of the poor, either by one of their own number or by a duly appointed agent, shall, at least once in every six months, visit each place where the town paupers are supported, and a record of each visit and of the condition of the paupers visited shall be kept.

Overseers of poor in certain towns to investigate places where town paupers are to be supported, etc.

SECTION 2. The state board of lunacy and charity shall have authority to visit and inspect all places where town paupers are supported in families.

State board of lunacy and charity to have certain authority.

SECTION 3. Chapter three hundred and seventy-four of the acts of the year eighteen hundred and ninety-seven, and all other acts or parts of acts inconsistent herewith, are hereby repealed. *Approved May 5, 1898.*

Repeal.

AN ACT RELATIVE TO ARREST ON MESNE PROCESS.

Chap. 397

Be it enacted, etc., as follows:

Any person arrested on mesne process in any civil suit may apply in writing in any county to a justice of the court to which such process is returnable for a reduction of the amount of the ad damnum of the writ, or for his

Persons arrested on mesne process may apply for reduction of ad damnum, etc.

discharge ; and such justice shall order notice to the plaintiff, returnable before himself or before any other justice of the same court. If upon hearing the parties it is found that the ad damnum is excessive the justice shall order it to be reduced, and thereafter it shall be deemed to be reduced, according to such order ; or if the arrest is found to be unreasonable he may in his discretion order the discharge of the defendant. *Approved May 6, 1898.*

Chap.398 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT, FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows :

Beverly School
Loan, Act of
1898.

SECTION 1. The city of Beverly, for the purpose of acquiring land and erecting and furnishing buildings or additions to the present buildings for school purposes, is hereby authorized to issue from time to time notes or bonds to an amount not exceeding fifty thousand dollars, denominated on the face thereof, Beverly School Loan, Act of 1898, and bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually.

Payment of
loan, etc.

SECTION 2. Said notes or bonds shall be payable within such period, not exceeding five years from their dates, as the city council shall from time to time determine, and, except as herein otherwise provided, shall be issued in accordance with the provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and in addition thereto ; and they shall not be reckoned in determining the authorized limit of indebtedness of said city.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1898.

Chap.399 AN ACT TO AUTHORIZE THE NEW ENGLAND RAILROAD COMPANY TO LEASE ITS RAILROAD TO THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

Be it enacted, etc., as follows :

The New Eng-
land Railroad
Company may
lease its road,
etc., to the New
York, New
Haven and
Hartford Rail-
road Company.

SECTION 1. The New England Railroad Company may lease its road, franchise and property to the New York, New Haven and Hartford Railroad Company, in the manner and upon the conditions set forth in the general laws of this Commonwealth relative to the leasing of railroads. Such lease shall not be valid or binding until the terms thereof have been approved by the board of railroad

commissioners in the manner provided by law, and by a majority in interest of the holders of the common stock and of the preferred stock, respectively, of the New England Railroad Company, exclusive of any stock of which the New York, New Haven and Hartford Railroad Company may be at the time the legal or equitable owner, or for the purchase of which its funds have been used.

SECTION 2. Said lease may provide for the exchange of stock of the lessor for stock of the lessee, upon terms and conditions approved by the board of railroad commissioners as a part of the terms of said lease.

Lease may provide for exchange of stock.

SECTION 3. Upon the making of such lease the New York, New Haven and Hartford Railroad Company may adopt a corporate name in lieu of its present name, subject to the approval thereof by the secretary of the Commonwealth, who shall give notice of such change in a newspaper published in each county in this Commonwealth in which said company operates a railroad.

Corporate name may be changed subject to approval of secretary of the Commonwealth.

SECTION 4. This act shall take effect upon its passage.

Approved May 7, 1898.

AN ACT RELATIVE TO THE SUPPORT OF THE PUBLIC SCHOOLS OF
THE CITY OF BOSTON.

Chap. 400

Be it enacted, etc., as follows:

SECTION 1. The school committee of the city of Boston shall forthwith after the passage of this act, and on or before the first day of March in each year thereafter, by vote of two thirds of all its members, taken by yeas and nays, make appropriations for the support of the public schools of said city for the financial year, including repairs and alterations on school buildings. Such appropriations shall be made by items specifying the purposes for which the money is to be expended. Such appropriations, which shall be included within the tax limit of said city for municipal purposes as now established by law, shall not exceed in the aggregate, upon each one thousand dollars of the average valuation of the taxable property in said city as ascertained under the provisions of law limiting the rate of taxation in said city, the following sums for the periods specified, to wit:—For the financial year ending on the thirty-first day of January in the year eighteen hundred and

School committee of Boston to make appropriations for the support of public schools, etc.

ninety-nine, two dollars and eighty cents; for the financial year ending on the thirty-first day of January in the year nineteen hundred, two dollars and eighty-five cents; and for the financial year ending on the thirty-first day of January in the year nineteen hundred and one, and for each financial year thereafter, two dollars and ninety cents; and any vote or appropriation requiring a larger assessment than as above specified shall be void; and said school committee shall have no authority to incur any liability or make any expenditure in excess of such appropriations, anything in any statute to the contrary notwithstanding. Of the total amount authorized to be appropriated as aforesaid an appropriation of which the several items shall amount to not less than twenty-five cents upon each one thousand dollars of said average valuation shall be expended only for such repairs and alterations upon school buildings as said school committee shall order.

Votes to have same force and effect as orders or votes of city council, etc.

SECTION 2. The votes of said school committee making such appropriations shall have the same force and effect as orders or votes of the city council appropriating money, and shall be subject to the same provisions of law in respect to approval by the mayor, except that a vote of three fourths of all the members of said school committee, taken by yeas and nays, shall be necessary to pass any such appropriation over the veto of the mayor.

Amount appropriated to be certified to assessors, etc.

SECTION 3. After an order or vote of said school committee making an appropriation shall have gone into effect the aggregate amount so appropriated shall be certified by the school committee to the board of assessors, and shall be included by said assessors in the amount to be raised by taxation in said city for such year.

Unexpended balance, etc., to be added to amount appropriated for next ensuing year.

SECTION 4. Any balance of an appropriation so made by said school committee remaining unexpended at the close of any financial year, and not needed to carry out the requirements of any statute, gift, trust or special appropriation, and any amount within the limit above defined for such year not appropriated by said committee, shall be added to the amount which said committee may appropriate, as herein authorized, for the financial year next ensuing.

Disposition of proceeds of sales of school lands, etc.

SECTION 5. The proceeds of any sale of any school lands or buildings shall be held in the city treasury of said city and used only for the purchase of land or the

construction of buildings for school purposes, but shall not be so used without the approval of the mayor in writing in each specific case. Such proceeds shall be expended in accordance with the provisions of chapter four hundred and eight of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof and in addition thereto.

SECTION 6. This act shall take effect upon its passage.

Approved May 7, 1898.

AN ACT RELATIVE TO THE REGISTRATION OF VOTERS IN THE CITY
OF BOSTON.

Chap. 401

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter sixty-one of the acts of the year eighteen hundred and ninety-five is hereby amended by adding at the end of said section the words: — *provided, however*, that in the city of Boston no person shall be assessed as above-provided later than the first day of October, — so as to read as follows:

1895, 61, § 1,
amended.

— *Section 1.* Every male applicant for registration shall present a certificate from the assessors, or a tax bill or notice from the collector of taxes, showing that he has been assessed as a resident of the city or town on the preceding first day of May, and the same shall be accepted by the registrars as prima facie evidence of such residence, or he shall present a certificate from the assessors that he has been a resident for the six months next preceding the election at which he claims the right to vote, and the same shall be accepted by the registrars as prima facie evidence of such residence. If a male person was a resident of the city or town on the first day of May, and was not assessed a poll tax by the assessors of said city or town on the first day of May, such person, in order to establish his right to be assessed, shall appear before the board of assessors, accompanied by two witnesses who shall testify under oath that they are registered voters of the ward or town in which he desires to be assessed, and who shall also testify under oath to the truth of the statement of the applicant in regard to his right to be assessed at the place claimed by him as a legal residence on the first day of May: *provided, however*, that in the city of Boston no person shall be assessed as above-provided later than the first day of October.

Registration of
male voters.

Proviso.

1895, 61, § 2,
amended.

Evidence of
residence.

Proviso.

SECTION 2. Section two of said chapter is hereby amended by adding at the end of said section the words: — *provided, however*, that in the city of Boston no person shall be assessed as above-provided later than the first day of October, — so as to read as follows: — *Section 2.* Every male person moving into a city or town subsequently to the first day of May, and claiming the right to vote at an election and desiring to be registered by the registrars of voters, shall appear before the board of assessors, accompanied by two witnesses who shall testify under oath that they are registered voters of the ward or town in which he desires to be registered, and who shall also testify under oath to the truth of the statement of the applicant in regard to his being a resident of the city or town for the six months next preceding the election at which he claims the right to vote. The assessors shall give the applicant a certificate stating that he has complied with the provisions of this section: *provided, however*, that in the city of Boston no person shall be assessed as above-provided later than the first day of October.

SECTION 3. This act shall take effect upon its passage.

Approved May 7, 1898.

Chap.402

AN ACT PROVIDING FOR AN INVESTIGATION OF SUNDAY LABOR.

Be it enacted, etc., as follows:

Bureau of
statistics of
labor to investi-
gate subject of
Sunday labor.

SECTION 1. The bureau of statistics of labor is hereby directed to investigate the subject of Sunday labor in this Commonwealth, with respect to the number of persons employed, the conditions of employment, and other facts relating thereto.

Results to be
incorporated in
annual report.

SECTION 2. The said bureau shall incorporate in its annual report to the legislature the results of the investigation authorized by this act, and the sum of three thousand dollars shall be paid out of the treasury of the Commonwealth for the purpose of carrying out the provisions of this act, to be expended under the direction of the chief of said bureau.

SECTION 3. This act shall take effect upon its passage.

Approved May 10, 1898.

AN ACT TO AUTHORIZE THE TOWN OF WATERTOWN TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES.

Chap. 403

Be it enacted, etc., as follows :

SECTION 1. The town of Watertown, for the purpose of purchasing or acquiring land for the location of a new schoolhouse and for the purpose of erecting and furnishing such schoolhouse and grading the grounds around the same, may incur indebtedness to an amount not exceeding forty thousand dollars, but the land so purchased or acquired shall not exceed in area fifty thousand square feet.

May incur indebtedness beyond debt limit for school purposes.

SECTION 2. Said town is hereby authorized to issue, for the indebtedness incurred under this act, the negotiable notes of the town, payable in such annual payments as the selectmen and town treasurer may determine, and which shall extinguish said indebtedness in ten years from the passage of this act.

May issue negotiable notes, etc.

SECTION 3. The indebtedness incurred under this act shall not be considered or reckoned in determining the authorized limit of indebtedness of said town under the provisions of section four of chapter twenty-nine of the Public Statutes and of acts in amendment thereof.

Not to be considered in determining debt limit.

SECTION 4. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply to the issue of said notes.

Certain provisions of law to apply.

Approved May 10, 1898.

AN ACT TO AUTHORIZE STREET RAILWAY COMPANIES TO ACQUIRE LAND FOR THE AVOIDANCE OF GRADE CROSSINGS WITH RAILROADS.

Chap. 404

Be it enacted, etc., as follows :

SECTION 1. A street railway company, for the purpose of avoiding or eliminating a crossing of a railroad by its railway at grade, may purchase or otherwise take land necessary therefor, not exceeding fifty feet in width, outside the limits of a public way : *provided*, that no land shall be so taken which cannot lawfully be taken for the laying out of a railroad ; nor until a plan, made on an appropriate scale and showing by metes and bounds the land proposed to be purchased or taken, with the names

Street railway companies may take land for avoidance of grade crossings with railroads.

Proviso.

of the owners thereof, after notice to such owners, and after a public notice and hearing such as are required in case of a location of a street railway upon a public way, has been approved in writing by the board of aldermen of the city or selectmen of the town in which the land is situated; nor shall the land of a railroad company or of another street railway company be so taken against the consent of such company, without the approval, after notice and hearing, of the board of railroad commissioners.

Description of land to be filed, etc.

SECTION 2. A deed or description, with a plan of the land so purchased or taken, shall be filed in the registry of deeds for the county or district in which the land is situated; and the provisions of the general laws relative to the assessment and payment or recovery of damages for lands and other property taken for railroad purposes shall apply with respect to all lands and property taken under the provisions of this act.

May construct its railway over or under a railroad, etc.

SECTION 3. A street railway company which has so acquired land for the purpose may construct its railway over or under a railroad, in the manner agreed by the companies, or, if they do not agree, in a manner prescribed by the board of railroad commissioners: *provided*, that no overhead structure shall be built at a height of less than eighteen feet above a railroad track, without the consent in writing of said board.

Proviso.

Certain structures, etc., may be authorized.

SECTION 4. The board of aldermen of a city or the selectmen of a town may authorize structures or alterations within or partly within the limits of a public way, necessary for carrying a street railway over or under a railroad: *provided*, that the public way is not thereby made unsafe for other public travel, and that in the case of a state highway the consent of the Massachusetts highway commission shall also be obtained.

Proviso.

To be subject to certain provisions of law.

SECTION 5. A street railway company whose railway is located in part outside the limits of public ways shall, with respect to the equipment, use and operation of its railway and transportation thereon, be subject to the provisions of all general laws now or hereafter in force relating to street railways and street railway companies, as fully as if its railway were located wholly within the limits of public ways.

SECTION 6. This act shall take effect upon its passage.

Approved May 10, 1898.

AN ACT TO LEGALIZE AND CONFIRM CERTAIN PROCEEDINGS OF THE TOWN OF LEXINGTON. *Chap.405*

Be it enacted, etc., as follows:

SECTION 1. The action of the town of Lexington taken at a meeting of said town held on the fifth day of February in the year eighteen hundred ninety-eight, relative to the acceptance of chapters five hundred and four and five hundred and twenty of the acts of the year eighteen hundred and ninety-seven, entitled respectively, “An Act to authorize the town of Lexington to construct a system of sewerage”, and “An Act to provide for the addition of a portion of the town of Lexington to the metropolitan sewerage system”, and the action of said town in electing by ballot at its annual meeting in March in the year eighteen hundred and ninety-eight a board of sewer commissioners under the provisions of the first-named chapter, are hereby legalized and confirmed.

Certain proceedings of town of Lexington legalized.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1898.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO MARY JANE MURPHY, WIDOW OF DANIEL F. MURPHY. *Chap.406*

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Mary Jane Murphy, widow of Daniel F. Murphy late a member of the police department of said city, the balance of the salary to which he would have been entitled had he lived and continued to serve as a police officer until the close of the present fiscal year.

Widow of Daniel F. Murphy.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1898.

AN ACT TO AUTHORIZE THE FORMATION OF ADDITIONAL COMPANIES OF THE NAVAL MILITIA. *Chap.407*

Be it enacted, etc., as follows:

SECTION 1. In addition to the companies of the militia provided for in section twenty-two of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three there may be formed as many companies of naval militia, not exceeding four in number,

Additional companies of naval militia may be formed.

as in the discretion of the commander-in-chief shall from time to time be necessary.

To be attached to naval brigade, etc.

SECTION 2. Such additional companies shall be attached and added to the naval brigade as separate companies or as additional companies, in either or in both of the battalions of the naval brigade, or as a separate battalion, as the commander-in-chief may designate.

Additional officers to be elected.

SECTION 3. The commander-in-chief shall order the election of such additional officers as may from time to time be necessary by reason of any increase in the number of companies in the naval brigade.

Certain officers may be appointed, etc.

SECTION 4. The commander-in-chief may appoint and commission for service with the naval brigade or with such separate battalion, one additional assistant paymaster and two additional assistant surgeons.

Additional companies may be disbanded.

SECTION 5. The commander-in-chief may at any time disband any company or companies provided for in this act if it is found that their services are no longer required.

Repeal.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved May 11, 1898.

Chap. 408 AN ACT TO AUTHORIZE THE CITY OF LAWRENCE TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE CONSTRUCTION OF NEW SCHOOLHOUSES.

Be it enacted, etc., as follows:

May incur indebtedness beyond debt limit, issue bonds, etc.

The city of Lawrence, for the purposes of the construction of a new high school building in said city and the purchase of land therefor, may incur indebtedness beyond the limit fixed by law to an amount not exceeding two hundred thousand dollars, and may issue bonds, notes or scrip therefor. Said bonds, notes or scrip shall be payable within such period, not exceeding twenty-five years from the date thereof, as the city council shall determine. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and in addition thereto shall, so far as applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

Approved May 11, 1898.

AN ACT MAKING APPROPRIATIONS FOR THE SOLDIERS' HOME IN MASSACHUSETTS, THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Chap.*409

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, to wit: —

Appropriations.

For an additional clerk in the office of the chief of the district police, as authorized by chapter two hundred and nineteen of the acts of the present year, a sum not exceeding four hundred and seventy-five dollars.

Additional clerk in office of chief of district police.

For an assistant register of probate and insolvency for the county of Hampden, as authorized by chapter two hundred and thirty-four of the acts of the present year, a sum not exceeding seven hundred and seventy-five dollars.

Assistant register of probate and insolvency, Hampden county.

For the salary of the second assistant district attorney for the Suffolk district, as authorized by chapter two hundred and thirty-five of the acts of the present year, the sum of eight hundred dollars, the same to be in addition to the twenty-five hundred dollars appropriated by chapter sixteen of the acts of the present year.

Second assistant district attorney for Suffolk district.

For the salaries and expenses of four additional members of the boiler inspection department of the district police, as authorized by chapter two hundred and sixty-one of the acts of the present year, a sum not exceeding fifty-five hundred dollars.

Additional members of boiler inspection department of district police.

For the salary of the judge of probate and insolvency for the county of Berkshire, as authorized by chapter two hundred and eighty of the acts of the present year, a sum not exceeding seven hundred dollars, the same to be in addition to the eighteen hundred dollars appropriated by chapter sixteen of the acts of the present year.

Judge of probate and insolvency, Berkshire county.

For the payment of the expenses of the state board of bar examiners, as authorized by chapter three hundred and twelve of the acts of the present year, a sum not exceeding one thousand dollars.

State board of bar examiners.

For plans, the necessary building and appliances, and such other expenses as may be necessary to prepare for the infliction of the punishment of death, as provided for

Appliances, etc., for infliction of punishment of death.

by chapter three hundred and twenty-six of the acts of the present year, a sum not exceeding seventy-five hundred dollars.

Clerical assistance.

For clerical assistance for the register of probate and insolvency for the county of Middlesex, as authorized by chapter three hundred and thirty-two of the acts of the present year, a sum not exceeding one thousand dollars, the same to be in addition to the thirty-five hundred dollars appropriated by chapter sixteen of the acts of the present year.

Aids, etc., in office of state fire marshal.

For the salaries of two aids and one chief of secret service in the office of the state fire marshal, to the twelfth day of April in the year eighteen hundred and ninety-eight, a sum not exceeding eight hundred and seventy-five dollars.

General superintendent of prisons.

For incidental and contingent expenses of the general superintendent of prisons, as authorized by chapter three hundred and thirty-four of the acts of the present year, a sum not exceeding eight hundred dollars, the same to be in addition to the five hundred dollars appropriated by chapter eight of the acts of the present year.

Massachusetts reformatory.

For the purchase of additional land and for certain repairs at the Massachusetts reformatory, as authorized by chapter twenty-seven of the resolves of the present year, a sum not exceeding nine thousand dollars.

Reformatory prison for women.

For certain repairs at the reformatory prison for women, as authorized by chapter twenty-eight of the resolves of the present year, a sum not exceeding twenty-five hundred and fifty dollars.

Steamer for enforcement of fish and game laws.

For procuring a steamer to be used for the enforcement of the fish and game laws, as authorized by chapter thirty of the resolves of the present year, a sum not exceeding fifty thousand dollars.

Convention of farmers' national congress.

For the payment of certain expenses of the annual convention of the farmers' national congress to be held in the year eighteen hundred and ninety-nine, as authorized by chapter thirty-one of the resolves of the present year, a sum not exceeding one thousand dollars.

Additional copies of tenth report of commissioner of public records.

For printing five hundred additional copies of the tenth report of the commissioner of public records, as authorized by chapter thirty-two of the resolves of the present year, a sum not exceeding fifty dollars.

Dedication of monument on battlefield of Antietam.

For expenses in connection with the dedication of the monument erected by the Commonwealth on the battlefield of Antietam, as authorized by chapter thirty-three

of the resolves of the present year, a sum not exceeding thirty-five hundred dollars.

For the Myles Standish Monument Association, as authorized by chapter thirty-six of the resolves of the present year, a sum not exceeding five thousand dollars.

Myles Standish Monument Association.

For certain improvements at the Taunton lunatic hospital, as authorized by chapter thirty-seven of the resolves of the present year, a sum not exceeding two thousand dollars.

Taunton lunatic hospital.

For Frank A. Newell, as authorized by chapter thirty-eight of the resolves of the present year, the sum of forty dollars.

Frank A. Newell.

For expenses in connection with an examination of the boundary line between the Commonwealth of Massachusetts and the state of Connecticut, as authorized by chapter thirty-nine of the resolves of the present year, a sum not exceeding five hundred dollars.

Boundary line between Massachusetts and Connecticut.

For the purchase of suitable apparatus for the practical examination of engineers and firemen, as authorized by chapter forty of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Apparatus for examination of engineers and firemen.

For the mother of the late James E. Hayes, as authorized by chapter forty-one of the resolves of the present year, the sum of seven hundred and fifty dollars.

Mother of James E. Hayes.

For Annie E. Fitzgerald, as authorized by chapter forty-two of the resolves of the present year, the sum of one hundred dollars.

Annie E. Fitzgerald.

For erecting cook houses on the camp ground at Framingham, as authorized by chapter fifty-one of the resolves of the present year, a sum not exceeding thirty-two hundred dollars.

Cook houses on camp ground at Framingham.

For the establishment of an electric light plant at the state prison, as authorized by chapter fifty-four of the resolves of the present year, a sum not exceeding thirteen thousand dollars.

Electric light plant at state prison.

For the purchase of equipment for the first regiment of heavy artillery, as authorized by chapter fifty-six of the resolves of the present year, a sum not exceeding thirty-five hundred dollars.

Equipment for first regiment of heavy artillery.

For the construction of a new school building at the Lyman school for boys, as authorized by chapter fifty-seven of the resolves of the present year, a sum not exceeding twenty-five thousand dollars.

Lyman school for boys.

For printing the report, with appendices, of the special committee appointed to investigate the subject of the re-

Report of special committee on rela-

tions between cities and towns and street railway corporations.

lations between cities and towns and street railway corporations, as authorized by chapter fifty-eight of the resolves of the present year, a sum not exceeding seven hundred dollars.

Publication of proceedings commemorating centennial of Bulfinch state house.

For the publication of the proceedings commemorating the centennial of the Bulfinch state house, as authorized by chapter fifty-nine of the resolves of the present year, a sum not exceeding two thousand dollars.

Establishment of a fish hatchery in Berkshire County.

For the establishment of a fish hatchery in the county of Berkshire, as authorized by chapter sixty of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Minnie E. Squire.

For Minnie E. Squire, as authorized by chapter sixty-one of the resolves of the present year, the sum of one thousand dollars.

Eben S. Curtis.

For Eben S. Curtis, as authorized by chapter sixty-two of the resolves of the present year, the sum of twenty-five hundred dollars, to be paid out of the Metropolitan Parks Loan Fund.

Purchase of land at Westborough insane hospital.

For the purchase of land at the Westborough insane hospital, as authorized by chapter sixty-three of the resolves of the present year, a sum not exceeding forty-four hundred forty-two dollars and thirty-two cents.

Massachusetts Charitable Eye and Ear Infirmary.

For the Massachusetts Charitable Eye and Ear Infirmary, as authorized by chapter sixty-four of the resolves of the present year, the sum of twenty-five thousand dollars.

Massachusetts School for Feeble-minded.

For certain improvements at the Massachusetts School for the Feeble-minded, as authorized by chapter sixty-five of the resolves of the present year, a sum not exceeding three thousand dollars.

Massachusetts School for Feeble-minded.

For the Massachusetts School for the Feeble-minded, as authorized by chapter sixty-six of the resolves of the present year, the sum of ten thousand dollars, the same to be in addition to the twenty-five thousand dollars appropriated by chapter twenty-five of the acts of the present year.

Hobart W. Cummings.

For Hobart W. Cummings, as authorized by chapter sixty-seven of the resolves of the present year, the sum of one hundred and eighteen dollars.

Printing Bradford's history of the Plymouth plantation.

For printing Bradford's history of the Plymouth plantation, as authorized by chapter sixty-eight of the resolves of the present year, a sum not exceeding twenty-five hundred dollars, the same to be in addition to the

sum provided for in chapter ninety-one of the resolves of the year eighteen hundred and ninety-seven.

For John C. Irish, as authorized by chapter sixty-nine of the resolves of the present year, the sum of two hundred and fifty dollars. John C. Irish.

For printing the report of the commissioners appointed to inquire into the expediency of revising and amending the laws of the Commonwealth relating to taxation, as authorized by chapter seventy of the resolves of the present year, a sum not exceeding three hundred and fifty dollars. Printing report of commissioners on expediency of revising, etc., laws relating to taxation.

For the Trustees of the Soldiers' Home in Massachusetts, as authorized by chapter seventy-two of the resolves of the present year, the sum of thirty-five thousand dollars. Trustees of Soldiers' Home.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1898.

AN ACT TO ESTABLISH A BOARD OF ART COMMISSIONERS FOR THE CITY OF BOSTON. Chap. 410

Be it enacted, etc., as follows:

SECTION 1. An art department is hereby established in the city of Boston, to be under the charge of a board of five art commissioners, all of whom shall be citizens of the city of Boston, to be appointed by the mayor of said city, without confirmation. Said mayor shall, in the year eighteen hundred and ninety-eight, appoint one member of said board to serve for the term of five years, one for the term of four years, one for the term of three years, one for the term of two years and one for the term of one year, each term beginning with the first day of May in said year; and thereafter said mayor shall, on or before the first day of May of each year, appoint one member of said board to serve for the term of five years beginning with said day. The members of said board shall be appointed by the mayor as follows:—One from a list of three persons selected by the trustees of the Museum of Fine Arts, one from a list of three persons selected by the trustees of the Boston Public Library, one from a list of three persons selected by the trustees of the Massachusetts Institute of Technology, one from a list of three persons selected by the Boston Art Club and one from a list of three persons selected by the Bos-

Board of art commissioners of city of Boston, appointment, terms, etc.

ton Society of Architects; and whenever the term of a member of said board appointed from such a list expires the mayor shall appoint his successor from a list selected by the body which made the original selection as aforesaid. The members of said board shall serve without compensation. Said board may appoint a secretary outside of its own membership, who shall serve without compensation.

May appoint a secretary.

Works of art to be approved by board, etc.

SECTION 2. Hereafter no work of art shall become the property of said city by purchase, gift or otherwise, unless such work of art or the design for the same, together with a statement of the proposed location of the same, shall first have been submitted to and approved by said board, acting by a majority of all its members; nor shall any work of art until so approved be erected or placed in, over or upon, or allowed to extend in, over or upon any street, avenue, square, place, common, park, municipal building or other public place under the control of said city or any department or officer thereof. No existing work of art in the possession of said city shall be removed, relocated or altered in any way without the similar approval of said commission, and any such work of art shall be removed, relocated or altered in any way that may be ordered by a vote passed and approved in writing by all the members of said commission, and also approved by the mayor.

Removal, etc., of existing works of art.

May, upon request, act in a similar capacity in respect to municipal buildings, etc.

SECTION 3. When so requested by the mayor or the city council said commission may in its discretion act in a similar capacity, with similar powers, in respect to the design of any municipal building, bridge, approach, lamp, ornamental gate or fence, or other structure erected or to be erected upon land belonging to the city, and in respect to any arch, bridge, structure or approach which is the property of any corporation or individual, and extends in, over or upon any street, avenue, highway, park or public place; but this section shall not apply to structures authorized to be erected under the provisions of chapter five hundred of the acts of the year eighteen hundred and ninety-seven, and shall not be construed as intended to impair the power of the board of park commissioners of said city to refuse its consent to the erection or acceptance of any public monument or memorial, or other work of art of any sort, within any park or public place in said city under the jurisdiction of said board.

Certain power of park commissioners not impaired.

SECTION 4. The term "work of art", as used in this act, shall apply to and include all paintings, mural decorations, statues, bas-reliefs, sculptures, monuments, fountains, arches, ornamental gateways and other structures of a permanent character intended for ornament or commemoration.

Term "work of art", defined.

SECTION 5. If said commission fails to decide upon any matter submitted to it within sixty days after such submission its decision shall be deemed unnecessary.

Decision of board unnecessary under certain conditions.

SECTION 6. All contracts or orders for the execution of any painting, monument, statue, bust, bas-relief or other sculpture for said city shall be made by said board, acting by a majority of all its members, subject to the approval of the mayor.

Certain contracts, etc., to be made by board.

SECTION 7. Chapter one hundred and twenty-two of the acts of the year eighteen hundred and ninety is hereby repealed.

Repeal.

SECTION 8. This act shall take effect upon its passage.

Approved May 11, 1898.

AN ACT TO SECURE UNIFORMITY IN TAKING BAIL IN CRIMINAL CASES. *Chap. 411*
Be it enacted, etc., as follows:

SECTION 1. Section forty-six of chapter two hundred and twelve of the Public Statutes is hereby amended by adding at the end thereof the following words: — All persons authorized to take bail under this section shall conform to and be governed by the rules established by the justices of the superior court, or of the supreme judicial court, — so as to read as follows: — *Section 46.* A justice of the supreme judicial court or superior court, a standing or special commissioner appointed by either of said courts, a justice or clerk of a police, district, or municipal court, a master in chancery, or a trial justice in any county, on application of a prisoner held under arrest or committed for a bailable offence, whether on a warrant or without one, or in the custody of an officer under a mittimus, may inquire into the case, and admit such prisoner to bail; and such magistrates may respectively admit to bail any person committed for not finding sureties to recognize for him. All persons authorized to take bail under this section shall conform to and be governed by the rules established by the justices of the superior court, or of the supreme judicial court.

P. S. 212, § 46, amended.

Certain prisoners may be admitted to bail, etc.

Persons authorized to take bail to be governed by certain rules.

P. S. 212, § 49,
amended.

Certificates of
sureties.

SECTION 2. Section forty-nine of said chapter is hereby amended by striking out the whole of said section and inserting in place thereof the following : — *Section 49.* When bail is taken out of court the person authorized to take bail in criminal cases shall cause a certificate to be signed and sworn to by each surety, which shall contain the name, residence, including the street and number of the dwelling house, and the occupation and place of business of the surety, and a statement of the nature, location and value of his property, and of the incumbrances, if any, thereon, the amount of his indebtedness, and all other matters pertinent to the amount and value of such property, and shall return a proper recognizance to the proper court. If any material statement in such certificate is false the person making the same shall be deemed to have committed perjury.

P. S. 212, § 50,
amended.

Notice to be
given to district
attorney in cer-
tain cases.

SECTION 3. Section fifty of said chapter is hereby amended by striking out the whole of said section and inserting in place thereof the following : — *Section 50.* When application is made to any person authorized to take bail in criminal cases within the county of Suffolk, to accept bail out of court in a case in which no amount has been fixed, he shall, if the crime charged is beyond the jurisdiction of the municipal court of the city of Boston, before fixing bail, cause notice of such application to be given to the district attorney or assistant district attorney for the Suffolk district, if either of said officers is at the time within said district.

Approved May 11, 1898.

Chap. 412 AN ACT TO PROVIDE FOR A COMPREHENSIVE SYSTEM OF PLAY- GROUNDS FOR THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Park com-
missioners may
purchase land
for play-
grounds.

SECTION 1. The board of park commissioners of the city of Boston, for the purpose of establishing a comprehensive system of playgrounds to meet the wants of the different sections of said city, is hereby authorized to purchase, with the approval of the mayor of said city, land for playgrounds in such different locations, not exceeding twenty in number, as they may deem best adapted for such purpose : *provided, however,* that not more than two hundred thousand dollars shall be expended in any one year for said purposes.

Proviso.

SECTION 2. To meet the expenses incurred under this act the city treasurer of said city shall from time to time, at the request of the mayor, issue, to the total amount of five hundred thousand dollars, notes, bonds or scrip of said city, payable at such time, not exceeding thirty years from their date, and bearing interest at such rates not exceeding four per cent. per annum, and such interest being payable at such times, as shall be fixed by said treasurer; and such notes, bonds or scrip shall be within the limit of indebtedness of said city.

City treasurer to issue notes, bonds, etc.

SECTION 3. This act shall take effect upon its acceptance by the city council of the city of Boston.

When to take effect.

Approved May 11, 1898.

AN ACT RELATIVE TO THE TRUSTEES OF THE MARBLEHEAD ACADEMY. Chap. 413

Be it enacted, etc., as follows:

SECTION 1. The Trustees of the Marblehead Academy are hereby authorized to convey to the town of Marblehead the real estate in said town owned by said corporation, with the buildings thereon and the school furniture therein, to be used by said town for educational purposes; and said town shall have the same right to manage, sell and dispose of said property which it now has in respect to other property held by it for school purposes.

Certain real estate, etc., may be conveyed to town of Marblehead, etc.

SECTION 2. This act shall take effect upon its acceptance by The Trustees of the Marblehead Academy, and by the selectmen of the town of Marblehead.

When to take effect.

Approved May 11, 1898.

AN ACT RELATIVE TO SPECIAL ADMINISTRATORS. Chap. 414

Be it enacted, etc., as follows:

The probate court in any county shall have jurisdiction in equity, upon such notice as may be prescribed by general rule made under the provisions of chapter three hundred and seventy-two of the acts of the year eighteen hundred and ninety-three, to authorize or require any special administrator appointed by it to do such acts relating to any property or estate in his charge as such administrator, as in the opinion of said court the interest of said property or estate may require; but nothing herein contained shall be interpreted as giving to special administrators other or greater powers than those now

Probate court may require special administrators to do certain acts relating to property in their charge.

possessed by administrators, except that the special administrator may be authorized to continue the business of the deceased for the benefit of his estate.

Approved May 11, 1898.

Chap.415 AN ACT RELATIVE TO APPROPRIATIONS BY THE CITY OF BROCKTON
FOR THE BROCKTON HOSPITAL.

Be it enacted, etc., as follows:

Certain sum
may be appro-
priated annually
for maintenance
of Brockton
hospital.

SECTION 1. The city of Brockton is hereby authorized to appropriate not exceeding five thousand dollars a year toward the maintenance and support of the Brockton hospital.

When to take
effect.

SECTION 2. This act shall take effect upon its passage so far as to authorize the submission of the question of its acceptance to the voters of said city, but it shall not take further effect until it shall be accepted by a majority of the voters of said city voting thereon at the annual city election to be held in said city in the month of December in the year eighteen hundred and ninety-eight.

Approved May 11, 1898.

Chap.416 AN ACT RELATIVE TO MARRIED WOMEN DOING BUSINESS ON THEIR
SEPARATE ACCOUNT.

Be it enacted, etc., as follows:

P. S. 147, § 11,
amended.

SECTION 1. Section eleven of chapter one hundred and forty-seven of the Public Statutes is hereby amended by inserting after the word "street", in the seventh line, the words:—and the name under which she proposes to carry on business, which shall not be her husband's,—by inserting after the word "where", in the same line, the words:—or the name under which,—and by striking out all of said section after the words "person under", in the seventeenth line, and inserting in place thereof the words:—any certificate heretofore filed or recorded,—so as to read as follows:—*Section 11.* When a married woman does or proposes to do business on her separate account, she shall record in the clerk's office of the city or town in which she does or proposes to do such business a certificate setting forth her name and that of her husband, the nature of the business, and the place where it is or is proposed to be carried on, giving, if practicable, the street and the

Certain certi-
ficates to be
recorded in case
of a married
woman doing
business on her
separate ac-
count.

number on the street, and the name under which she proposes to carry on business, which shall not be her husband's; and when the nature of the business or the place where or the name under which it is carried on is changed, a new certificate shall be recorded accordingly. If a married woman fails to record certificates as aforesaid, her husband may record them; but if such certificates are not so recorded by either husband or wife, the property employed in such business shall be liable to be attached as the property of the husband and to be taken on execution against him, and the husband shall be liable upon all contracts lawfully made in the prosecution of such business in the same manner and to the same extent as if such contracts had been made by himself. The provisions of this section shall not, however, affect the rights of any person under any certificate heretofore filed or recorded.

SECTION 2. This act shall take effect upon the first day of August in the year eighteen hundred and ninety-eight.

To take effect
August 1, 1898.

Approved May 11, 1898.

AN ACT RELATIVE TO THE TAXATION OF STREET RAILWAY COMPANIES.

Chap.417

Be it enacted, etc., as follows:

SECTION 1. The provisions of sections thirty-eight to forty-one, and fifty-three to sixty-six, inclusive, of chapter thirteen of the Public Statutes, which are applicable to railroad companies whose lines are located partly within and partly without the limits of this Commonwealth, shall apply in like manner to street railway companies, whether chartered or organized in this Commonwealth or elsewhere.

Certain provisions of law to apply to street railway companies.

SECTION 2. This act shall take effect upon its passage and a tax shall be laid and collected under the provisions thereof for the present year, in the same manner and to the same effect as if it had been in force on the first day of May.

Tax to be laid and collected for the present year, etc.

Approved May 11, 1898.

AN ACT RELATIVE TO THE EXPENSE OF THE IMPROVEMENTS IN THE VALLEYS OF THE CONCORD AND SUDBURY RIVERS.

Chap.418

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter four hundred and twenty-six of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out all after

1894, 426, § 2, amended.

Improvements
in valleys of
Concord and
Sudbury rivers,
apportionment
of expenses.

the word “annually”, in the fifteenth line, and inserting in place thereof the words:—assess the sum due to the Commonwealth during that year on account of the operation of this act, in the same manner as the state tax is assessed,—so as to read as follows:—*Section 2.* The assessors of the towns of Sudbury, Wayland, Lincoln, Concord, Bedford, Carlisle and Billerica shall, on or before the first day of May in the year eighteen hundred and ninety-five, make a sworn return to the treasurer of the Commonwealth of the number of acres of marsh land within their respective towns subject to flowage by the Sudbury or Concord rivers. The treasurer shall thereupon divide or apportion fifty per cent. of the expenses incurred under this act among the said towns in proportion to the acreage of said marsh land in each. The sum thus ascertained to be due from each of said towns to the Commonwealth shall be paid in ten annual instalments, and each instalment shall be annually added to and collected with the state tax. The assessors in each town shall annually assess the sum due to the Commonwealth during that year on account of the operation of this act, in the same manner as the state tax is assessed.

To apply to
assessment of
taxes for the
current year.

SECTION 2. This act shall take effect upon its passage, and shall apply to the assessment of taxes for the current year.

Approved May 11, 1898.

Chap.419 AN ACT TO AUTHORIZE THE TOWN OF HYDE PARK TO INCUR ADDITIONAL INDEBTEDNESS FOR SEWERAGE PURPOSES.

Be it enacted, etc., as follows:

May issue
bonds, notes
or scrip, etc.

SECTION 1. The town of Hyde Park is hereby authorized to issue bonds, notes or scrip, under the provisions of section nine of chapter two hundred and eighty-seven of the acts of the year eighteen hundred and ninety-six, to the amount of one hundred thousand dollars in addition to the amount provided for by said section.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1898.

Chap.420 AN ACT RELATIVE TO ATTACHMENTS.

Be it enacted, etc., as follows:

Certain attach-
ments to be
dissolved by the
appointment of
a receiver, etc.

SECTION 1. Every attachment made on mesne process, of the property of any person, copartnership or corporation, shall be dissolved by the appointment by

any court of competent jurisdiction in this Commonwealth of a receiver to take possession of such property, if the bill or petition praying for the appointment of such receiver is filed in said court within four months after the making of such attachment, unless said court, in its discretion, at any time, continues such attachment for the benefit of the estate of such person, copartnership or corporation, in which case said court may authorize such receiver to prosecute, for the benefit of said estate, the action upon which such attachment was made, and may make such further orders as may be effectual to enable such receiver to recover for the benefit of said estate the amount due to the original plaintiff in said action.

SECTION 2. In case an attachment has been dissolved in the manner provided in the preceding section the proceedings for the appointment of a receiver shall not thereafter be dismissed and the receiver be discharged at any time before all the assets which have come into his hands as such receiver have been fully distributed or the claim upon which the attachment was made has been fully paid and discharged, unless the debtor, before such dismissal, deposits in the hands of the officer who made such attachment such sum of money as the court before which such receivership proceedings are pending shall, after notice to the attaching creditor and a hearing, find reasonable for the protection of his claim in the suit in which the attachment was made, which sum shall thereafter be held by the officer in lieu of the property held under the attachment at the time it was dissolved, and subject to be disposed of in the same manner as the property attached would have been if the attachment had not been dissolved.

Approved May 11, 1898.

Receiver not to be discharged before assets have been distributed, etc.

AN ACT TO AUTHORIZE THE COMMISSIONERS ON INLAND FISHERIES AND GAME TO LEASE BLACK POINT POND, LITTLE BLACK POINT POND AND QUEENAMES COVE, IN THE COUNTY OF DUKES COUNTY.

Chap. 421

Be it enacted, etc., as follows:

SECTION 1. The commissioners on inland fisheries and game, or any two of them, may, in the name of the Commonwealth, lease for a term not exceeding twenty years, the bodies of water known as Black Point pond, Little Black Point pond and Queenames cove, respectively, in the county of Dukes County, and any of the arms, coves and bays connected therewith, for the pur-

The commissioners on inland fisheries and game may lease certain bodies of water for cultivating food fish.

Proviso.

pose of cultivating useful food fish, for such time, to such persons and on such terms and conditions as they may judge that the public interest requires: *provided*, that nothing in this act shall impair or abridge the right of any citizen of the Commonwealth to take fish in said ponds or in the waters connected therewith, by hook and line, at such times and under such restrictions and limitations as are permitted under laws of the Commonwealth now or hereafter enacted relating to the taking of fish by hook and line.

To appoint time and place for hearing.

SECTION 2. Before making such lease the commissioners shall appoint a time and place for a hearing upon the application therefor, and shall give notice thereof to the town within whose limits the said bodies of water lie.

Town may take a lease of bodies of water, etc.

SECTION 3. The town within whose limits the said bodies of water lie may, for the purpose of cultivating useful food fish, under such conditions and restrictions as the commissioners may prescribe, take a lease of said bodies of water and appropriate money therefor.

Commissioners may fix limits of ponds, etc.

SECTION 4. The commissioners may fix the limits of the said ponds and the arms, coves and bays connected therewith, which limits being recorded in the registry of deeds for said county shall be taken to be the legal limits thereof for all the purposes of this act.

To have custody of leases, etc.

SECTION 5. The commissioners shall have the custody of all leases made under the provisions of this act, and may cause any agreements, rights, reservations, forfeitures and conditions therein contained to be enforced, and for that purpose may institute proceedings in the name of the Commonwealth, and may take possession of any premises for breach of conditions of the lease, and after revesting the Commonwealth therewith may again lease the same.

SECTION 6. This act shall take effect upon its passage.

Approved May 11, 1898.

Chap. 422

AN ACT TO INCORPORATE THE NORTH CEMETERY ASSOCIATION.

Be it enacted, etc., as follows:

North Cemetery Association incorporated.

SECTION 1. Oliver A. Felch, Edwin Coolidge, Joel F. Lincoln, Daniel Hunting, James H. Fairbank, Albert Wyman, Charles W. Jennison, Charles A. Jennison, John R. McCutchins, Thomas McCutchins, William H. Clough and George E. Dunton, their associates and successors,

are hereby made a corporation by the name of the North Cemetery Association, for the purpose of acquiring, controlling, caring for and improving certain grounds known as the North Cemetery, situated and lying within one enclosure in the town of Natick; and said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities contained in all general laws which now are or may hereafter be in force relating to such corporations, except as hereinafter provided.

SECTION 2. Said corporation is hereby authorized to take possession and assume legal control of said cemetery; and the town of Natick is hereby authorized to transfer and convey to said corporation, upon such terms as may be agreed upon, all the right, title and interest which it has in the lands which have been purchased and set apart for said cemetery, and in all other estate, property rights and things appertaining thereto, which said town now has or is entitled to have, and in and to all moneys standing to the credit of said cemetery, and all other trust funds relating to said cemetery: *provided*, that a majority of the legal voters of said town present and voting shall vote so to do at a meeting called for the purpose. Said corporation shall hold the said property, estate and rights for the same uses and purposes and charged with the same duties and liabilities for and subject to which the same are now held by the town of Natick; and all rights which any persons have acquired in said cemetery shall remain valid to the same extent as if this act had not been passed.

Town of Natick may transfer to corporation its right, title and interest in cemetery, etc.

Proviso.

SECTION 3. Any person who now is or may hereafter become a proprietor of a lot, by deed or otherwise, in the land mentioned in section one of this act, or in land hereafter acquired by said corporation, shall be and become a member of said corporation; and when any person ceases to be the proprietor of a lot in the lands of said corporation he shall cease to be a member thereof.

Membership.

SECTION 4. Said corporation may acquire by gift, devise or purchase, and hold in fee, additional land to the extent of twenty acres, for the purpose of enlarging said cemetery from time to time, and may hold so much personal property as may be necessary for the objects connected with and appropriate to the purposes of said corporation; and said corporation is hereby authorized to take and hold any grant, donation or bequest of property upon trust, to apply the same or the income thereof for the improve-

May acquire additional land, hold necessary personal property, etc.

Grants, bequests, etc.

Grants, be-
quests, etc.

ment or embellishment of said cemetery, or for the construction, repair, preservation or renewal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner consistent with the purposes for which said cemetery is established, according to the terms of said grant, donation or bequest; and whenever any such grant, donation or bequest, or any deposit of money, shall be made by the proprietor of any lot in said cemetery for the annual repair, preservation or embellishment of such lot and the erections thereon, the said corporation may give to such proprietor or his representatives an agreement or obligation, in such form and upon such terms and conditions as it may establish, binding such corporation and its successors to preserve and keep in repair said lot forever, or for such period as may be agreed upon.

Officers, elec-
tion, terms, etc.

SECTION 5. The officers of said corporation shall consist of seven trustees, a clerk, a treasurer, and such other officers as may be provided for by the by-laws. Such officers shall be elected by the corporation at a meeting legally called for that purpose, and said trustees shall in the first instance be chosen one for one year, one for two years, one for three years, and so on respectively, and thereafter one shall be chosen annually to serve for seven years. The other officers of said corporation shall hold their offices for the term of one year or until others shall be chosen and qualified in their place, unless otherwise provided in the by-laws. The treasurer shall give a bond for the faithful discharge of his duties, in such sum and with such sureties as may be required by the by-laws of the corporation.

Treasurer to
give bond.

Records of lots,
etc., to be kept.

SECTION 6. Said corporation shall keep accurate records of all lots or graves in said cemetery, and of all persons interred therein, sufficiently definite to identify such persons and the location of the place of such interment, which records shall be at all proper times subject to the examination of persons having an interest therein; and shall make an annual report of the progress of work and of the condition of its affairs to its lot proprietors.

SECTION 7. This act shall take effect upon its passage.

Approved May 12, 1898.

AN ACT RELATIVE TO THE REGISTRATION OF VOTERS.

*Chap.*423

Be it enacted, etc., as follows:

SECTION 1. Section fifty-four of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 54.* If a complaint in writing under oath shall be made in a city fourteen days at least, or in a town four days at least, before an election or town meeting, to the registrars by a registered voter, stating that the complainant has reason to believe and does believe that a certain person by him therein named has been illegally or incorrectly registered, and setting forth the reasons for such belief, the registrars shall examine into such complaint, and if satisfied that there is sufficient ground therefor they shall summon the person complained of to appear before them at a certain place and time before the next election or town meeting, to answer to the matters set forth in the complaint, and the substance of the complaint and a copy of this and the following section shall be set forth in the summons. Service of the summons shall be made by an officer qualified to serve civil or criminal process, not more than fourteen days nor less than forty-eight hours before the day named for appearance, by the delivery in hand of a copy of the summons to the person therein summoned, or by leaving it at the place of alleged illegal or incorrect registration, if the officer finds that such person resides there, or if he was formerly there and has changed his residence then the summons shall be served by leaving it at the place to which he has moved, if it is within the officer's jurisdiction and can be ascertained by inquiry of the landlord or of his agent at said place of alleged illegal or incorrect registration; but if the officer cannot make personal service, and cannot ascertain the whereabouts of the person complained of, the copy of the summons shall be left at such person's last and usual place of abode known to the officer; and the officer shall return the summons to the registrars before the day named for appearance, with the certificate of his doings endorsed thereon.

1893, 417, § 54,
amended.

Complaint of
illegal or incor-
rect registration
to be examined
into by regis-
trars.

Service of sum-
mons, etc.

SECTION 2. Section fifty-five of said chapter is hereby amended by striking out the whole of said section and

1893, 417, § 55,
amended.

Examination of
persons, etc.,
entry in register
or erasure of
name.

inserting in place thereof the following:— *Section 55.* When a person summoned before the registrars of voters to answer a complaint made in accordance with the preceding section appears before them they shall examine him under oath, and shall receive other evidence which may be offered in regard to the matters set forth in the complaint, and if satisfied that the person is properly registered as a qualified voter they shall enter in the register a statement of their determination upon the facts required for registration. If however the registrars are satisfied that the person so appearing is not a qualified voter in the city or town they shall strike his name from the register. If a person duly summoned as aforesaid does not appear as directed in the summons the complainant shall produce sufficient testimony to make out a prima facie case, and if this is done the name of the person complained of shall be stricken from the register; but if such person appears before the registrars before the election or town meeting next ensuing and shows sufficient cause for his previous non-appearance the hearing shall be reopened and the matter decided on its merits, as determined from the evidence presented on both sides. The complainant and the person complained of may be represented by counsel, and all witnesses may be cross-examined.

Approved May 12, 1898.

Chap. 424 AN ACT RELATIVE TO THE CONSTRUCTION, MAINTENANCE AND OPERATION OF THE METROPOLITAN SEWERAGE SYSTEM.

Be it enacted, etc., as follows:

Metropolitan
Sewerage Loan.

SECTION 1. To meet the expenses incurred under the provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and of acts in amendment thereof, the treasurer and receiver general shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding one hundred and fifty-five thousand dollars, for a term not exceeding thirty-two years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Said

interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face as the Metropolitan Sewerage Loan, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by said chapter four hundred and thirty-nine, and the sinking fund established under the provisions of said chapter shall be a sinking fund for the extinguishment of the debt authorized by this act, said fund to be increased in the following manner:—The treasurer and receiver general shall from year to year, beginning with the year eighteen hundred and ninety-eight, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity, and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto, one twenty-fourth part of the whole amount shall be assessed in each of the first three years, beginning with the year eighteen hundred and ninety-eight; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred and one; one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and eleven, and the remainder shall be equally divided in the remaining years, beginning with the year nineteen hundred and twenty-one. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

To be an addition to and part of loan authorized by 1889, 439, etc.

Payment of debt.

SECTION 2. Each of the cities and towns hereinafter named shall in the years eighteen hundred and ninety-eight, eighteen hundred and ninety-nine and nineteen hundred, pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements for each of said years, as estimated by said treasurer, in the following proportions, to wit:—Arlington, two and

Proportions to be paid by certain cities and towns.

Proportions to be paid by certain cities and towns.

seventy-four one hundredths per cent.; Belmont, one and thirty one hundredths per cent.; Boston, eighteen and ninety-six one hundredths per cent.; Cambridge, twenty-six and nineteen one hundredths per cent.; Chelsea, seven and thirty-seven one hundredths per cent.; Everett, four and one one hundredth per cent.; Malden, eight and nineteen one hundredths per cent.; Medford, five and twenty-nine one hundredths per cent.; Melrose, three and twenty-two one hundredths per cent.; Somerville, fourteen and thirty-three one hundredths per cent.; Stoneham, one and twenty-eight one hundredths per cent.; Wakefield, twenty-eight one hundredths per cent.; Winchester, two and twenty one hundredths per cent.; Winthrop, one and forty-nine one hundredths per cent.; Woburn, three and fifteen one hundredths per cent.; said percentages being the same reported to the supreme judicial court by the apportionment commissioners in the year eighteen hundred and ninety-six, and accepted by said court.

Commissioners to determine proportion to be paid by each city and town, appointment, etc.

SECTION 3. The supreme judicial court sitting in equity shall on application of the board of metropolitan sewerage commissioners, after notice to each of the cities and towns mentioned in this act, appoint three commissioners, who shall not be residents of any of the cities and towns mentioned in this act, who shall, after due notice and hearing and in such manner as they deem just and equitable, determine for said system the proportion in which each of the cities and towns herein named shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year nineteen hundred, to meet the interest and sinking fund requirements for the said five years, as estimated by said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

Commissioners to be appointed every five years, etc.

SECTION 4. Before the expiration of said term of five years, and every five years thereafter, other commissioners, who shall not be residents of any of the cities or towns mentioned in this act, shall be appointed as aforesaid, upon application of said board as aforesaid, who shall in such manner as they deem just and equitable determine the

proportion in which each of said cities and towns in said system shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

SECTION 5. The amount of money required each year from each city and town named in this act, to meet the interest and sinking fund requirements and cost aforesaid for the system in which in this act it is included for each year, and deficiency, if any, shall be estimated by said treasurer in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it at the time and in addition to its annual state tax; and said treasurer shall in each year notify each such city and town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment of its state tax.

Amounts required each year from cities and towns to be estimated by treasurer, etc.

SECTION 6. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

Enforcement of provisions, compensation of commissioners.

SECTION 7. This act shall take effect upon its passage.

Approved May 12, 1898.

AN ACT RELATIVE TO THE PAUPER LAWS OF THE COMMONWEALTH.
Be it enacted, etc., as follows:

Chap. 425

SECTION 1. Clause fifth of section one of chapter eighty-three of the Public Statutes is hereby amended by inserting after the word "and", in the second line, the words: — within that time, — so that the clause as amended shall read as follows: — Fifth, Any person of the age of twenty-one years, who resides in any place within this state for five years together, and within that time pays all state, county, city, or town taxes, duly assessed on his poll or estate, for any three years within that time, shall thereby gain a settlement in such place.

P. S. 83, § 1, amended.

Legal settlement acquired by residence, etc.

SECTION 2. Section six of said chapter is hereby amended by striking out the whole of said section and in-

P. S. 83, § 6, amended.

Certain settlements declared lost, etc.

serting in place thereof the following: — *Section 6.* All settlements not fully acquired subsequent to the first day of May in the year eighteen hundred and sixty ~~are~~ hereby defeated and declared to be lost, except where the existence of such settlement prevented a subsequent acquisition of settlement in the same place: *provided*, that whenever a settlement acquired by marriage has been thus defeated the former settlement of the wife, if not defeated by the same provision, shall be thereby revived. All persons absent from the Commonwealth of Massachusetts for ten years in succession shall lose their settlement.

Proviso.

P. S. 84, § 6, amended.

SECTION 3. Section six of chapter eighty-four of the Public Statutes is hereby amended by adding at the end thereof the words: — and hereafter the same legal obligation to support her pauper children shall rest upon the mother as now by law rests upon the father: *provided, however*, that the mother shall not be liable to criminal prosecution for the enforcement of such legal obligation, — so as to

Certain kindred to support paupers, etc.

read as follows: — *Section 6.* The kindred of such poor persons, in the line or degree of father or grandfather, mother or grandmother, children or grandchildren, by consanguinity, living in this state and of sufficient ability, shall be bound to support such paupers, in proportion to their respective ability, and hereafter the same legal obligation to support her pauper children shall rest upon the mother as now by law rests upon the father: *provided, however*, that the mother shall not be liable to criminal prosecution for the enforcement of such legal obligation.

Proviso.

P. S. 84, § 7, amended.

Certain kindred may be assessed for support of paupers.

SECTION 4. Section seven of said chapter eighty-four is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 7.* Any justice of the superior court sitting in equity in the county where any one of such kindred to be charged resides, upon complaint of any city, town, or kindred who has been at expense for the relief and support of such pauper, may on due hearing assess and proportion thereto such sum as he shall deem reasonable for or towards the support of the pauper to the time of such assessment, and may enforce payment thereof by execution in common form: *provided*, that such assessment shall not extend to any expense for relief afforded more than two years previous to the filing of the complaint.

Proviso.

SECTION 5. Section eighteen of said chapter eighty-four, as amended by section one of chapter ninety of the acts of the year eighteen hundred and ninety-one, is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 18.* A city or town may furnish aid to poor persons found therein, having no lawful settlement within the state, if the overseers of the poor deem it for the public interest; but, except in case of sickness, not for a greater amount than two dollars a week for each family during the months of May to September inclusive, or three dollars a week for the months of October to April inclusive, and the overseers shall in every such case give immediate notice by mail to the state board of lunacy and charity, which board shall examine the case, and should they direct discontinuance shall remove such persons to the state almshouse or to any state or place where they belong, when the necessities of such persons or the public interest require such removal, and the superintendent of said almshouse shall receive the persons so removed thereto the same as though sent in accordance with the provisions of section twenty-one of chapter eighty-six of the Public Statutes, as amended by chapter eighty-four of the acts of the year eighteen hundred and ninety-one, and a detailed statement of expenses so incurred shall be rendered, and after approval by the state board of lunacy and charity such expenses shall be paid from the state treasury.

P. S. 84, § 18,
amended.

Cities and
towns may fur-
nish temporary
aid to State
paupers, etc.

SECTION 6. Section forty-eight of chapter three hundred and seventeen of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 48.* The treasurer of any such corporation shall, upon a written request signed by an overseer of the poor of a city or town, or an officer of the state board of lunacy and charity, inform him of the amount, if any, deposited in the corporation to the credit of any person named in such request, who is a charge upon the Commonwealth or upon a city or town therein as a pauper, and a treasurer who unreasonably refuses to give such information or wilfully renders false information shall forfeit fifty dollars for every such offence to the use of the city or town upon which such pauper is a charge, or to the Commonwealth if the pauper is a charge upon

1894, 317, § 48,
amended.

Certain infor-
mation to be
given to over-
seers of the
poor, etc.

the Commonwealth, and the treasurers of benefit associations, insurance companies and safety deposit companies shall in like manner and subject to the same conditions give information to the overseers of the poor and state board of lunacy and charity.

To take effect
July 1, 1898.

SECTION 7. This act shall take effect upon the first day of July in the year eighteen hundred and ninety-eight.

Approved May 13, 1898.

Chap. 426 AN ACT RELATIVE TO THE WATER SUPPLY OF THE TOWN OF
NEEDHAM.

Be it enacted, etc., as follows :

May take neces-
sary lands,
water courses,
etc.

SECTION 1. The town of Needham, for the purposes set forth in chapter one hundred and seven of the acts of the year eighteen hundred and eighty-eight, entitled "An Act to supply the town of Needham with water", and for increasing and protecting its water supply, may take by purchase or otherwise, within the limits of the town, such lands, streams, springs and water courses as may be necessary therefor. But the provisions of said chapter shall apply to the proceedings for any taking aforesaid and acts done for the purposes aforesaid, and for the determining and paying of damages in consequence thereof.

Needham
Water Loan.

SECTION 2. Said town, for the purposes named in this act and in said chapter one hundred and seven, and for the extension and increase of its water supply and the construction of works necessary therefor, may issue bonds, notes or scrip to be denominated on the face thereof, Needham Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for any of said purposes. Said bonds, notes or scrip shall be issued upon the same terms and conditions and with the same powers as are provided in said chapter one hundred and seven for the issue of the Needham water loan by said town, provided that the whole amount of such bonds, notes or scrip issued by said town under the provisions of this act, together with those heretofore authorized to be issued for the same purpose, shall not exceed the amount of two hundred and five thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1898.

AN ACT RELATIVE TO THE METROPOLITAN WATER SUPPLY.

Chap. 427

Be it enacted, etc., as follows:

SECTION 1. The income received each year by the city of Boston from its water works shall be applied prior to the first day of February of the following year, to meet the expenses incurred for maintenance of its water works, including the operation, extension, improvement and renewal of said works, to meet the interest and sinking fund requirements of the loans issued for said works, and to meet the assessment apportioned to said city under chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five; and the balance of said income remaining at said date and not otherwise provided for shall be paid into the sinking funds for said loans until such time as in the opinion of the commissioners of sinking funds of said city such funds with their probable accumulations are sufficient to meet said loans at maturity without further contributions from any other source, and thereafter shall be added to the capital of the fund provided for in the following section.

Disposition of annual income from water works of city of Boston.

SECTION 2. All sums received since February first, eighteen hundred and ninety-eight, or that may hereafter be received by said city for the taking of any part of its water works under the provisions of said chapter, shall be paid to said commissioners of sinking funds; and such sums, together with any payments that may be made of the income from the city's water works, as provided in section one of this act, shall, until otherwise authorized by the legislature, be invested, so far as practicable, in securities issued from time to time by said city, and the balance in other securities, and be held and managed by said sinking funds commissioners as a separate fund, and the interest received from said fund shall so far as required be paid to the treasurer of said city and used to meet the balance, if any, required for the purposes to which the income from the water works of said city may be applied under section one of this act; and if in any year the total income from said fund shall exceed the amount required to be so used the excess shall be added to the capital of said fund.

Certain sums to be paid to commissioners of sinking funds, etc.

SECTION 3. Said city shall not issue any notes, bonds or scrip for water purposes without further authority from the legislature.

City not to issue notes, bonds, etc., without authority.

When to take effect.

SECTION 4. This act shall take effect upon its acceptance by the city council of the city of Boston.

Approved May 13, 1898.

Chap. 428 AN ACT TO PROVIDE FOR THE RESTORATION TO THEIR FORMER POSITIONS IN THE MILITIA OF OFFICERS AND MEN ENTERING THE MILITARY OR NAVAL SERVICE OF THE UNITED STATES, AND FOR THE RAISING AND ORGANIZING OF PROVISIONAL COMPANIES, BATTALIONS AND REGIMENTS.

Be it enacted, etc., as follows :

Certain officers of volunteer militia granted leave of absence, etc.

SECTION 1. All officers of the Massachusetts volunteer militia entering the military or naval service of the United States subsequently to the twentieth day of April in the year eighteen hundred and ninety-eight are hereby granted leave of absence until thirty days after their discharge from the army or navy, with reasonable time for any such officer to reach his home in this Commonwealth, and upon receiving an honorable discharge such officers shall be entitled to resume the rank and position to which they were respectively entitled at the time of entering the service of the United States. Officers desiring to remain in the service of the Commonwealth under the provisions of this section shall so advise the adjutant general in writing immediately upon their discharge from the service of the United States.

Certain enlisted men to be furloughed, etc.

SECTION 2. All enlisted men of the Massachusetts volunteer militia entering the military or naval service of the United States subsequently to the twentieth day of April in the present year shall be furloughed until not later than thirty days after their discharge from the army or navy, with reasonable time for any such man to reach his home in this Commonwealth.

Service of certain men re-enlisting to be deemed continuous.

SECTION 3. Enlisted men so entering the United States service whose terms expire while in the service and who receive an honorable discharge from the United States army or navy, may, if they so desire, re-enlist in the Massachusetts volunteer militia within thirty days after their discharge by the United States, with reasonable time in which to reach their homes in this Commonwealth; and the service of all men so re-enlisting shall be deemed for all purposes continuous.

Warrants of certain non-commissioned officers to be continued, etc.

SECTION 4. The warrants of all non-commissioned officers who remain in the service of the Commonwealth under the provisions either of section two or of section

three of this act shall be continued as of the same grade respectively held by them at the time of entering the service of the United States.

SECTION 5. Any militia organization depleted by enlistments into the military or naval service of the United States may, in the discretion of the commander-in-chief, be recruited by enlistments for terms which shall continue for not longer than thirty days after the termination of the present war between the United States and Spain, and companies so recruited shall choose officers at such times as the commander-in-chief may direct, and the commissions of such officers shall expire within thirty days after the declaration of peace. The commander-in-chief may direct the election of field officers for regiments and battalions so recruited, whose commissions shall in like manner expire as above provided in regard to officers of companies. He may temporarily attach companies to provisional battalions or battalions to provisional regiments, which shall receive designations as he may direct.

Militia organizations depleted by enlistments into service of the United States may be recruited, etc.

SECTION 6. The commander-in-chief may, in his discretion, raise and organize provisional companies which may be assigned to provisional battalions and regiments, to receive such designations as he may direct. Enlistments into such companies shall continue for a period not longer than thirty days after the declaration of peace; and the commissions of all officers elected or appointed for such provisional organizations shall expire not later than thirty days after the close of the war.

Provisional companies may be organized, etc.

SECTION 7. Troops enlisted under the provisions of this act may be uniformed, armed and equipped as the commander-in-chief may direct.

Equipment, etc., of troops.

SECTION 8. The commander-in-chief shall authorize the formation of provisional companies under this act only in towns or cities in which are situated the armories of companies entering the service of the United States.

Provisional companies to be formed only in certain cities and towns.

SECTION 9. This act shall take effect upon its passage.

Approved May 13, 1898.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE THIRD DISTRICT COURT OF BRISTOL.

Chap. 429

Be it enacted, etc., as follows:

SECTION 1. The salary of the justice of the third district court of Bristol shall be two thousand two hundred

Justice of third district court of Bristol.

dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1898.

Chap.430 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF FRANK BOWKER.

Be it enacted, etc., as follows :

Widow of
Frank Bowker.

SECTION 1. The city of Boston is hereby authorized to pay to the widow of Frank Bowker late an engineer in the sewer division of the street department in said city, the balance of the salary to which he would have been entitled had he lived and continued to hold his office until the end of the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1898.

Chap.431 AN ACT TO CHANGE A PART OF THE BOUNDARY LINE BETWEEN THE CITIES OF BOSTON AND NEWTON.

Be it enacted, etc., as follows :

Part of bound-
ary line be-
tween Boston
and Newton
changed.

SECTION 1. The boundary line between the city of Boston and the city of Newton, between a point at the intersection of the present boundary line and the northerly side of Nonantum street and a point at the intersection of the present boundary line and the northerly side of Commonwealth avenue, is hereby changed so that the part of said boundary line between said points shall be a straight line. Said new boundary line is shown by a dotted red line upon a plan marked "Plan showing a proposed change in the boundary line between Boston and Newton, Massachusetts, William Jackson, city engineer, April 16, 1898", on file in the office of the secretary of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1898.

Chap.432 AN ACT TO PROVIDE FOR THE SUMMARY INVESTIGATION OF COUNTY AND MUNICIPAL EXPENDITURES.

Be it enacted, etc., as follows :

Owners of real
estate may peti-
tion for an
investigation
into the affairs
of a town, city
or county.

SECTION 1. If twenty-five owners of real estate in any town having a population of less than five thousand, or fifty owners of real estate in any town having a population of more than five thousand, or twenty-five owners of real estate in each ward of a city, or five hundred

owners of real estate in any county in the Commonwealth, shall present to any justice of the superior court within and for the county in which such real estate is situated, a petition sworn to and subscribed by themselves, setting forth that they are owners of real estate situated in such town, city or county, that they have paid taxes thereon within one year prior to the date of the petition, that they believe and have reason to believe that the moneys of such town, city or county are being or have been unlawfully or corruptly expended, and that they desire an investigation to be made in relation to such alleged unlawful or corrupt expenditures, it shall be the duty of such justice, if after a hearing it shall appear that there is reasonable cause to believe that said moneys are being or have been unlawfully or corruptly expended as aforesaid, upon ten days' notice to the treasurer of such town, city or county, and to the selectmen of a town, the mayor of a city, or the board of county commissioners, as the case may be, to make a summary investigation into the affairs of such town, city or county; and in his discretion such justice may appoint experts to examine the books and accounts of the officials under investigation and to prosecute such investigation, and may cause the results thereof to be published in such manner as he may deem proper, but no proceedings under the provisions of this act shall be begun within the thirty days next preceding the holding of a municipal election in such town or city, or the holding of a state election.

Owners of real estate may petition for an investigation into the affairs of a town, city or county.

SECTION 2. It shall be the duty of the treasurer and of any other municipal or county officers to obey any orders of such justice for facilitating said investigation, and any refusal or wilful failure to obey such orders may be punished by such justice as for contempt.

Officers to obey orders of the justice.

SECTION 3. The costs incurred under this act shall be taxed by said justice and shall be paid, upon his order, by the treasurer of the county or municipality whose expenditures have been investigated, out of the treasury of said county or municipality.

Payment of costs.

Approved May 13, 1898.

AN ACT TO ESTABLISH A STATE BOARD OF INSANITY.

Chap. 433

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint five persons, who shall constitute the State Board of Insanity. The persons so ap-

State board of insanity, appointment, etc.

Proviso.

pointed shall hold their offices for five years: *provided*, that the term of office of the five first appointed shall be so arranged that the term of one shall expire each year.

Vacancies, etc.

All vacancies in said board, whether occurring by expiration of term or otherwise, shall be filled by the governor, with the advice and consent of the council. Two at least of the persons so appointed shall be experts in insanity. The members of the board shall receive no salaries, except as hereinafter provided, but shall be paid only their necessary expenses actually incurred in the performance of their duties. The members of the board may be removed by the governor, with the advice and consent of the council, for cause.

Executive officer, appointment, etc.

SECTION 2. The board shall appoint an executive officer, who shall be a physician and an expert in insanity, and who may be a member of the board. He shall hold the position of executive officer during the pleasure of the board and shall perform such duties as the board may require. He shall receive from the treasury of the Commonwealth such compensation as the governor and council may determine, and his necessary expenses incurred in the performance of official duties.

Agents and subordinate officers, appointment, etc.

SECTION 3. The board shall have the power to appoint such agents and subordinate officers as it may deem requisite, and to fix their compensation, but the amount paid for the salaries of officers and agents employed by the board shall not exceed the sum appropriated by the legislature for that purpose. No civil service examination shall be required in the case of persons so appointed who are now in the employ of the state upon similar work. The board, unless otherwise provided, may assign any of its powers and duties to agents appointed for the purpose, and may execute any of its functions by such agents or by committees appointed from and by said board. The board shall be provided with rooms at the expense of the state, and shall hold meetings each month, on a day fixed by itself, and at such other times as may be needful. It shall make its own by-laws, and shall make a report of its doings to the governor and council on or before the first day of December of each year, such report being made up to the thirtieth day of September, inclusive.

Board to be provided with rooms, to make an annual report to governor and council, etc.

Report to include a statement of receipts and expenses, etc.

SECTION 4. The board shall embody in its report a properly classified and tabulated statement of the receipts and expenses of the said board, and of each of the several

state institutions under its supervision for the said year, and a corresponding classified and tabulated statement of their estimates for the year ensuing, with its opinion as to the necessity or expediency of appropriations in accordance with said estimates ; but this provision shall not apply to estimates for the ordinary expenses of said institutions. Said report shall also present a concise review of the work of the several institutions under the supervision of the board, for the year preceding, with such suggestions and recommendations as to the said institutions and as to the general interests of all persons under its supervision throughout the Commonwealth as may be deemed expedient.

SECTION 5. The board shall present in its report information embodying the experience of this country and other countries, regarding the best and most successful methods of caring for such persons as come under its supervision ; and it shall also encourage scientific investigation by the medical staffs of the various institutions under its supervision, and shall publish from time to time bulletins and reports of the scientific and clinical work done therein.

To present certain information in report, etc.

SECTION 6. The board shall prescribe to the superintendents of the several institutions under its supervision the forms of statistical returns to be made by them in their annual reports. It shall also prescribe the form of certificate required of mayors of cities or overseers of the poor of towns when a pauper is sent therefrom to any one of the state institutions under its supervision, which certificate shall contain such inquiry in relation to the age, parentage, birthplace and former residence of, and other facts relating to, the said poor person, as the board may deem necessary, to which the mayors and overseers of the poor shall render true answers, as far as they are able, before the said poor person is received into any one of the said institutions. The several cities and towns shall be furnished by the board with blank forms for said certificates.

To prescribe certain forms, etc.

SECTION 7. The trustees of the several state institutions under the supervision of the board shall annually on the thirtieth day of September cause to be made and sent to the board an accurate inventory of the stock and supplies on hand and the amount and value thereof at said institutions, under the following heads : — Live stock on the

Trustees of certain institutions to send to board annually an inventory of stock and supplies on hand.

farm, produce of the farm on hand, carriages and agricultural implements, machinery and mechanical fixtures, beds and bedding in the inmates' department, other furniture in the inmates' department, personal property of the state in the superintendent's department, ready-made clothing, dry goods, provisions and groceries, drugs and medicines, fuel and library.

Board to keep records of commitments, etc.

SECTION 8. The board shall keep records of commitments of all patients and attend to the enforcement of the laws relative thereto. All institutions under its supervision shall furnish all the information required by the board relating to commitments.

To have general supervision over certain institutions, etc.

SECTION 9. The board shall have general supervision over the state hospitals and asylums for the insane, and all other institutions and receptacles for insane or feeble-minded patients, either public or private, the Massachusetts hospital for epileptics, the Massachusetts hospital for dipsomaniacs and inebriates, the Massachusetts School for the Feeble-minded, and the Hospital Cottages for Children. The said board may, when directed by the governor, assume and exercise the powers of the boards of trustees of the state institutions under its supervision in any matter relating to the management thereof.

May exercise powers of trustees.

To inspect plans for new buildings, etc.

SECTION 10. The board shall inspect all plans for new buildings which are to be used by the Commonwealth as institutions coming under the supervision of the board, and for the extension or alteration, involving an expenditure of more than two thousand dollars, of existing buildings which are to be or are already so used. No such new building shall be erected and no such extension or alteration shall be hereafter made unless the plan and specifications for the same have been first approved by the board.

May transfer insane pauper inmates, etc.

SECTION 11. The board may transfer insane pauper inmates, including those committed under the provisions of section fifty of chapter eighty-seven of the Public Statutes, section fifteen of chapter two hundred and thirteen of the Public Statutes, sections sixteen and nineteen of chapter two hundred and fourteen of the Public Statutes, and sections ten, twelve and fourteen of chapter two hundred and twenty-two of the Public Statutes, from any one of the state hospitals or asylums for the insane to another state hospital or asylum for the insane, and may transfer and commit inmates of the other state institutions to the state hospitals or asylums for the insane; and it may send any

such insane pauper inmates to any state or place where they belong when the public interest or the necessities of the inmates require such transfer. The names of the inmates so removed shall be entered upon the register of the hospital or asylum for the insane, together with the usual details of their history, and shall be recorded by the several superintendents as discharged by the board for the purpose of removal from the state; but no transfer or commitment shall be made by the board of inmates of other state institutions to the state hospitals and asylums for the insane, except in accordance with the provisions of law regulating the commitment of insane persons.

Names of inmates removed to be recorded, etc.

SECTION 12. The board, upon the application of the director, manager or trustee of a private hospital or asylum, may transfer any inmate of such institution to another private institution, or to a state hospital or asylum for the insane, or any inmate of a state hospital or asylum for the insane to any private institution under its supervision, but no such transfer shall be made without the consent of the legal or natural guardian of such inmate.

Board may transfer inmates of private institutions, etc.

SECTION 13. The board shall act as commissioners of insanity, with power to investigate the question of the insanity and condition of any person committed to any hospital or asylum for the insane, public or private, or restrained of his liberty by reason of alleged insanity at any place within the Commonwealth, and shall discharge any person so committed or restrained if in its opinion such person is not insane or can be cared for after such discharge without danger to others and with benefit to himself. All questions as to the sanity of inmates of the penal, reformatory and other institutions of the Commonwealth who present indications of insanity shall be referred to the board for determination.

To act as commissioners of insanity, etc.

Certain questions to be referred to board for determination.

SECTION 14. The board shall visit every institution under its supervision at least twice a year. It shall ascertain by actual examination and inquiry whether the laws with respect to the persons in the custody and control thereof are properly observed, shall give such directions as will insure correctness in the returns required in relation to them, and may use such means as may be necessary to collect all desired information in regard to their treatment. The board shall have the same powers relating to the state poor who are inmates of the institutions under its supervision within the Commonwealth and to their

Board to visit and inspect institutions at least twice a year, etc.

property as are vested in towns and overseers of the poor in reference to paupers supported and relieved by towns. When it has reason to believe that any insane or other person is deprived of suitable treatment it may make application for the commitment of such person to some institution under its supervision, according to the provisions of law. The board shall carefully inspect every part of the institution visited, shall offer an opportunity to every patient for an interview with the board or with the visiting members, shall inspect every certificate of commitment entered or filed since its or their last visitation, and shall enter in a book provided for that purpose minutes of the condition of the institution at that time, of the patients therein, of the patients under restraint and their number, and any criticisms or observations that the board or visiting members may have to make as to the occupation, amusement or classification of the patients, as to the cleanliness and sanitary condition of the institution, as to the diet of the patients, and as to any other matters that it or they may deem worthy of observation or criticism.

Patients to be allowed to write to board, etc.

SECTION 15. All patients in any institution under its supervision shall be allowed, subject to the regulations of the board, to write freely to the board, and letters so written shall be forwarded, unopened, by the superintendent or person in charge of said institution, to the said board for such disposition as it shall deem right, and the said board may send any letters or other communications to any patients in any of said institutions whenever it may deem proper so to do.

Nurses to be employed in transferring patients.

SECTION 16. The nurses of the institutions under the supervision of the board shall be employed, as far as practicable, instead of officers of the law, in taking and transferring patients to and from said institutions; and in the case of the transfer of a female patient a female attendant or nurse shall accompany her.

Board to be notified in case of question as to propriety of commitment.

SECTION 17. The superintendent or physician in charge of any institution under the supervision of the board shall immediately notify the said board if there is any question as to the propriety of the commitment of any person received therein, and said board upon such notification shall inquire into the condition of such patient and into the question of the propriety of the commitment.

Board to prescribe uniform system of keeping accounts.

SECTION 18. The board shall prescribe a uniform system of keeping accounts in the several state institutions

under its supervision, and the same shall be adopted and used in said institutions.

SECTION 19. The board shall prescribe the forms of certificates required by law in the commitments of all persons to the institutions under its supervision, and such forms when prescribed shall be the sole forms used in such commitments.

To prescribe forms of certificates for commitments.

SECTION 20. The board and the several boards of trustees of the different state institutions under its supervision, or their representatives, shall meet semi-annually for the purpose of consultation and harmonious action.

To meet semi-annually with trustees, etc., for consultation.

SECTION 21. The board is hereby authorized to discharge patients from the Massachusetts hospital for dipsomaniacs and inebriates, the Massachusetts hospital for epileptics, the Massachusetts School for the Feeble-minded, and the Hospital Cottages for Children, and to transfer inmates of said institutions to other state institutions, and the inmates of other state institutions under its supervision to the said hospitals and school; but no inmate of said other state institution under its supervision shall be transferred to said hospitals or school unless such inmate has been duly committed thereto, in conformity with the provisions of law governing the commitment of patients to said hospitals and school.

May discharge patients from certain institutions, etc.

SECTION 22. The board shall devise, if practicable, a system by which the board of trustees of the Massachusetts hospital for dipsomaniacs and inebriates shall be informed specifically of the history of any person whom it is proposed to commit to said hospital, and by which, if possible, an investigation of the record of such patient shall be made by a probation officer, with a view to informing the court or magistrate prior to his deciding the question of commitment.

To prescribe, if practicable, a system by which the record of certain patients may be investigated, etc.

SECTION 23. The word "lunatic", wherever it occurs in the names of the several hospitals and in the laws relating to the insane is hereby stricken out, and the term "insane", or "insane person", is substituted therefor.

The term "insane," or "insane person" to be substituted for the word "lunatic."

SECTION 24. All the powers possessed by and all the duties incumbent upon the state board of lunacy and charity relative to the state hospitals and asylums for the insane and to other institutions, asylums and receptacles for the insane or feeble-minded, public or private, relative to insane persons generally, and as commissioners in lunacy relative to the Massachusetts hospital for epilep-

Certain powers and duties of state board of lunacy and charity to be vested in state board of insane-ity, etc.

tics, the Massachusetts hospital for dipsomaniacs and inebriates, the Massachusetts School for the Feeble-minded, and the Hospital Cottages for Children, are hereby taken from the said state board of lunacy and charity and vested in the state board of insanity, and said state board of insanity is hereby authorized and empowered to assume and exercise the same. The said state board of insanity shall also succeed to all the rights, powers and duties of the said state board of lunacy and charity in respect to all the insane poor placed in families by the latter board, and said insane poor so boarded out are hereby transferred to the care, custody and control of the said board of insanity without further process of law. The state board of lunacy and charity shall hereafter be called the state board of charity, and shall have and exercise all the powers now possessed by it, and all the duties now incumbent upon it, except when otherwise by law provided, including all questions relating to the settlement or non-settlement of the state poor coming under the control of the state institutions under its supervision, and under the supervision of the state board of insanity, and shall administer the laws of settlement relating to the support of the state's sane poor by cities and towns, and shall prosecute all cases of bastardy of non-settled persons.

The state board of lunacy and charity to be hereafter called the state board of charity, etc.

State board of insanity to report to legislature.

SECTION 25. The state board of insanity shall report to the legislature, on or before the first Wednesday in January in the year nineteen hundred, such method or methods as in its opinion will most effectually provide for the care and support of the insane poor who, under existing laws, are cared for by or supported at the expense of the cities and towns of the Commonwealth. In such report the board shall include a statement of what building or buildings are needed to accommodate such insane persons, and any other suggestions which they may wish to submit for the consideration of the legislature in relation thereto. Said report shall embody a plan for the remedial treatment of recoverable cases of insanity in a hospital set apart for such treatment, and to which no other cases of insanity shall be committed. It shall also report a plan by which convalescing insane patients, during the period of recovery, shall have ample opportunity of association with sane people and be freed from association with insane people as far as practicable.

1886, 298, § 2,
amended.

SECTION 26. Section nine of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and

eighty-six is hereby amended by striking out in the third line, the words “board of education”, and inserting in place thereof the words:—state board of insanity.

SECTION 27. Section three of chapter three hundred and eighty-five of the acts of the year eighteen hundred and eighty-five, as amended by section four of chapter one hundred and one of the acts of the year eighteen hundred and eighty-six, is hereby amended by striking out the words “board of lunacy and charity”, wherever they occur therein, and inserting in place thereof the words:—state board of insanity.

1885, 385, § 3,
etc., amended.

SECTION 28. The acts and sections of acts hereinafter specified in this section are hereby amended by striking out the words “lunacy and charity”, wherever they occur therein, and inserting in place thereof the word:—insanity,—Section one of chapter eighty-seven of the Public Statutes, as amended by section four of chapter one hundred and one of the acts of the year eighteen hundred and eighty-six. Section twelve of chapter eighty-seven of the Public Statutes, as amended by chapter one hundred and ninety-five of the acts of the year eighteen hundred and ninety-four. Section ten of chapter two hundred and twenty-two of the Public Statutes, as amended by section four of chapter one hundred and one of the acts of the year eighteen hundred and eighty-six. Section eleven of chapter two hundred and twenty-two of the Public Statutes, as amended by section four of chapter one hundred and one of the acts of the year eighteen hundred and eighty-six. Sections seven and nine of chapter three hundred and twenty-two of the acts of the year eighteen hundred and eighty-four, as amended by section four of chapter one hundred and one of the acts of the year eighteen hundred and eighty-six. Section one of chapter three hundred and eighty-five of the acts of the year eighteen hundred and eighty-five, as amended by section four of chapter one hundred and one of the acts of the year eighteen hundred and eighty-six. Sections two and ten of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-six. Sections one and two of chapter three hundred and nineteen of the acts of the year eighteen hundred and eighty-six, and section three of said chapter as amended by section two of chapter four hundred and fourteen of the acts of the year eighteen hundred and ninety. Section two of chapter three hundred and forty-six of the acts of the year eight-

Certain acts and
sections of acts
amended.

een hundred and eighty-seven, as amended by chapter four hundred and eighty-two of the acts of the year eighteen hundred and ninety-six. Section sixteen of chapter four hundred and fourteen of the acts of the year eighteen hundred and eighty-nine, as amended by section two of chapter one hundred and fifty-eight of the acts of the year eighteen hundred and ninety-one. Section four of chapter four hundred and twenty-five of the acts of the year eighteen hundred and ninety-two. Section two of chapter two hundred and eighty-six of the acts of the year eighteen hundred and ninety-five. Sections five and six of chapter three hundred and ninety of the acts of the year eighteen hundred and ninety-five. Sections ten and eleven of chapter four hundred and eighty-three of the acts of the year eighteen hundred and ninety-five.

When to take effect.

SECTION 29. All the provisions of this act except as hereinafter provided in this section shall take effect upon the first day of October in the year eighteen hundred and ninety-eight, but the members of the state board of insanity may be appointed at any time after the passage of this act, and said board may appoint agents and officers and assign their duties before the said first day of October.

Approved May 13, 1898.

Chap. 434

AN ACT RELATIVE TO THE FINANCES OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Board of estimate and apportionment for city of Boston established.

SECTION 1. A board of estimate and apportionment is hereby established for the city of Boston, to consist of the mayor, the chairman of the board of aldermen, the president of the common council, who shall serve ex officio and without additional pay, and two members, who shall be elected by the voters of the city at large. In the year eighteen hundred and ninety-eight two members of said board shall be elected at the annual municipal election, one to serve for the term of two years and one for the term of one year from the first Monday of January next ensuing; and thereafter at each annual municipal election one member of said board shall be so elected to serve for the term of two years from said day. In case of a vacancy in the elected members of said board through death or resignation the chairman of the board of street commissioners of said city shall fill such vacancy for the remainder of the municipal year; and in case of a second

Vacancies in elected members, etc.

vacancy in such elected members for like cause the same shall be filled during the remainder of the municipal year by the chairman of the board of commissioners of sinking funds of said city. Each elected member of said board shall be paid for his services at the rate of ten dollars for each meeting of said board at which he is present, but not exceeding the sum of seven hundred and fifty dollars in any one year.

SECTION 2. The mayor, as early as practicable in the month of January, shall submit to said board, with his recommendations thereon, the department estimates furnished as required by section eight of chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five; and said board, by the affirmative vote and signatures of at least four of its members, including the mayor, shall, prior to the first day of February, prepare and pass a general maintenance appropriation order, containing appropriations to enable the city of Boston to meet the current expenses payable during the financial year beginning with said day, of performing the duties and exercising the powers devolved by statute or ordinance, or by vote of the city council during the year, upon the city of Boston or the county of Suffolk, or the departments or officers thereof.

Mayor to submit department estimates to board.

Board to prepare and pass a general maintenance appropriation order.

SECTION 3. The mayor, as early as practicable in the months of January or February, shall submit to such board, with any recommendations which he may desire to make thereon, any requests for loan appropriations furnished to him by the several departments; and said board by vote and signatures as aforesaid shall, prior to the first day of March, prepare and pass a general loan appropriation order, containing such appropriations to be met by loan, and for such purposes as said board shall deem the public necessity or convenience may require, not exceeding in the aggregate four fifths of the estimated amount which can be raised in that municipal year by loans within the debt limit of said city; but such loan appropriation order shall not be passed unless at least four of the members of said board, including the mayor, shall in writing certify upon such order that no item therein is to meet a current expense, or that certain specified items therein and no others are to meet current expenses, but that public necessity requires the borrowing of money therefor.

Mayor to submit to board department requests for loan appropriations.

Board to prepare and pass a general loan appropriation order, etc.

Board may prepare and pass additional appropriation orders.

SECTION 4. Said board, by similar vote and signatures, and certificate in the case of a loan order, may at any time during the year, at the request of the mayor, prepare and pass one or more appropriation orders, containing such appropriations as they may deem the public necessity or convenience may require.

Appropriations not to exceed certain amounts.

SECTION 5. Said board in making appropriations to be met by income and taxes shall not exceed the amount that can be raised by taxation within the tax limit of said city, as certified to the mayor by the board of commissioners of sinking funds, plus the income of the city, as estimated and certified to the mayor by the city auditor of said city; and in making appropriations to be met by loans authorized by the legislature for specific purposes shall not exceed the amount that can be raised under such loans, and in making appropriations to be met by other loans shall not exceed the amount that can be raised by loan within the debt limit of said city.

Appropriation orders to be submitted to city council, etc.

SECTION 6. The mayor shall, within three days after any such appropriation order has been passed as aforesaid, submit the same to the city council of said city, and the city council shall forthwith proceed carefully to consider and investigate the same, and may, within the period of thirty days following such submission, pass a vote or votes reducing or striking out any appropriation therein, except an appropriation the amount of which is fixed by law, or an appropriation for interest and sinking fund requirements, but shall not pass any other vote relating to any appropriation, or insert any new appropriation; and any such vote of reduction or striking out shall be subject to the veto of the mayor and to passage over his veto as provided by law. At the expiration of said period of thirty days the orders with the appropriations therein as passed by said board, or as altered in accordance with the preceding provisions, shall stand and be in force as appropriation orders of said city.

City auditor may make certain transfers of appropriations, etc.

SECTION 7. The city auditor of said city, with the approval of said board, acting by vote and signatures of a majority of its members, and of the mayor, may from time to time during the year make transfers from the appropriation for current expenses of one division of a department to the appropriation for current expenses of any other division of the same department, and transfers from the general treasury or from the appropriation for

reserve fund to the appropriation for current expenses of any department, and may, to balance and close the accounts of the city for the financial year, between the first day of December of each year and the first day of February of the following year, make transfers from any appropriation not met by loan to any other appropriation, or from any appropriation met by loan to any other appropriation met by loan, and apply any of the income and taxes not disposed of.

SECTION 8. The respective departments of said city, under the general supervision and control of the mayor and of the other public officers designated therefor in the several appropriations made as aforesaid, or having by law authority to expend the same, shall expend the appropriations for the objects and purposes specified, and shall expend for the objects and purposes directed by the several contributors thereof any contributions made to any of said appropriations.

Approved May 13, 1898.

Appropriations to be expended for the objects and purposes specified, etc.

AN ACT RELATIVE TO VOTING IN CAUCUSES.

Chap. 435

Be it enacted, etc., as follows :

SECTION 1. Section seven of chapter four hundred and eighty-nine of the acts of the year eighteen hundred and ninety-five, as amended by section eleven of chapter five hundred and thirty of the acts of the year eighteen hundred and ninety-seven, is hereby amended by striking out the words "in the same calendar year", in the sixth line, and inserting in place thereof the words :— within twelve months next ensuing, — so as to read as follows :—

Section 7. All notices for holding caucuses shall apply to all members of the political party whose caucuses are to be held, and to them only. No person having voted in the caucus of one political party shall be entitled to vote or take part in the caucus of another political party within twelve months next ensuing. Each town or city committee may make reasonable regulations, not inconsistent with the provisions of law, to determine membership in the party, and to restrain others than those who are entitled to vote at the caucus from attendance thereat or taking part therein. But no political committee of any party shall deprive any voter from taking part in a caucus of said party on the ground that the voter had supported an independent candidate for political office : *provided, how-*

1895, 489, § 7, etc., amended.

Notices to apply only to members of party whose caucuses are to be held, etc.

Proviso.

Proviso.

ever, that no political committee or chairman, warden or caucus officers shall deprive any registered voter from voting or taking part in any caucus if such voter will take the following oath which shall be administered to him by the presiding officer of the caucus on the request of said voter, and the presiding officer of any caucus is hereby authorized and empowered to administer such oath: You do solemnly swear (or affirm) that you are a registered voter in this ward or town and have the legal right to vote in this caucus; that you are a member of the political party holding the same, and intend to support its candidates at the polls at the election next ensuing; and that you have not taken part or voted in the caucus of any other political party for twelve months last past. So help you God (or this you do under the pains and penalties of perjury). Such voter shall nevertheless be subject to challenge the same as any other voter.

Person whose right to vote is challenged to take oath, etc.

SECTION 2. Any person whose right to vote is challenged for any cause recognized by law shall not be permitted to vote until he has taken the oath provided in the foregoing section; and the clerk of every caucus shall make a record of the administration of said oath to every person who takes the same, which record shall state whether or not said person voted. Said record shall be returned with the proceedings of said caucus and shall be prima facie evidence in any court that such person took said oath and voted in said caucus.

Penalty.

SECTION 3. Any voter or caucus officer who violates any of the provisions of this act shall be punished by imprisonment in jail not exceeding one year.

Approved May 14, 1898.

Chap. 436 AN ACT RELATIVE TO THE REPORT OF THE ATTORNEY-GENERAL. *Be it enacted, etc., as follows:*

Annual report of attorney-general.

SECTION 1. The attorney-general shall annually make a report to the general court of the business of his office during the preceding year, with such suggestions and recommendations in regard to the amendment of the laws and to their proper and economical administration as he may deem expedient.

Repeal.

SECTION 2. Section nine of chapter seventeen of the Public Statutes is hereby repealed

Approved May 17, 1898.

AN ACT TO AUTHORIZE CEMETERY CORPORATIONS TO INCINERATE BODIES OF THE DEAD. *Chap. 437*

Be it enacted, etc., as follows :

SECTION 1. Any cemetery corporation organized under the laws of this Commonwealth may cremate or incinerate bodies of the dead, and may erect, maintain and operate the buildings, appliances and facilities for so doing and for the disposition of the ashes of the dead, on any of its land within the enclosure of its cemetery which the state board of health may determine to be suitable for that purpose, and such buildings, appliances and facilities shall be deemed to be a part of the cemetery and to be dedicated to the burial of the dead, and shall be held by said corporations subject to the duties, and with the privileges and immunities which they now have under general laws or by special act or acts.

Cemetery corporations may cremate or incinerate bodies of the dead, etc.

SECTION 2. In all matters concerning the construction of such buildings, the cremation or incineration of dead bodies, and the disposition of the ashes, said cemeteries shall be subject to the provisions of chapter two hundred and sixty-five of the acts of the year eighteen hundred and eighty-five.

To be subject to certain provisions of law.

SECTION 3. Nothing contained in this act shall be construed to deprive any corporation acting under its provisions of any right, immunity or privilege heretofore acquired under any special act or acts.

Certain rights, privileges, etc., not affected.

SECTION 4. This act shall take effect upon its passage.

Approved May 17, 1898.

AN ACT RELATIVE TO THE COMMITMENT OF THE INSANE.

Chap. 438

Be it enacted, etc., as follows :

SECTION 1. Section twenty-six of chapter eighty-seven of the Public Statutes is hereby amended by striking out the words "at Somerville", in the second line, and by striking out all after the word "thirteen", in the ninth line, so as to read as follows : — *Section 26.* The superintendent or keeper of any lunatic hospital, including the McLean Asylum, may receive into his custody and detain in such hospital or asylum for a period not exceeding five days, without an order of a judge as provided in section eleven, any person as insane whose case is duly certified to be one of violent and dangerous insanity and emergency

P. S. 87, § 26, amended.

Persons violently insane may be received at hospitals without an order of a judge in certain cases.

by two physicians qualified as provided in section thirteen, which certificates shall be separately made and signed, and shall conform in all other respects to the provisions of section thirteen.

Repeal.

SECTION 2. Section one of chapter fifty-three of the acts of the year eighteen hundred and ninety-two is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 17, 1898.

Chap.439 AN ACT TO AUTHORIZE THE PILOT COMMISSIONERS OF BOSTON TO SUSPEND CERTAIN STATUTORY PROVISIONS, RULES AND REGULATIONS DURING THE CONTINUANCE OF THE WAR BETWEEN THE UNITED STATES AND SPAIN.

Be it enacted, etc., as follows:

Pilot commissioners of Boston may suspend certain statutory provisions, rules, etc., for a certain period.

SECTION 1. The pilot commissioners for the harbor of Boston are hereby authorized and empowered during the continuance of the present war between the United States and Spain to suspend from time to time and to such extent as they may deem necessary, any of the statutory provisions, rules and regulations relative to pilots, pilotage, pilot boats and pilot stations of the port of Boston, and to other pilot stations under their jurisdiction, and to suspend the penalties and liabilities attached by existing laws to the violation of such provisions, rules and regulations.

Suspension to become operative upon publication of order, etc.

SECTION 2. Such suspension shall become operative upon publication of the order of suspension once a day for three successive days in three or more newspapers published daily in the city of Boston, and such suspension shall continue during said war unless previously revoked by order of said commissioners, published in the manner aforesaid.

SECTION 3. This act shall take effect upon its passage.

Approved May 20, 1898.

Chap.440 AN ACT RELATIVE TO THE CONSTRUCTION OF A CHANNEL FROM OSTERVILLE BAY TO VINEYARD SOUND.

Be it enacted, etc., as follows:

Construction of channel from Osterville bay to Vineyard Sound.

SECTION 1. For the purpose of carrying out the provisions of chapter four hundred and eighty-three of the acts of the year eighteen hundred and ninety-seven for the construction of a channel from Osterville bay to Vine-

yard Sound, and for building the necessary works for the protection and maintenance of said channel, the board of harbor and land commissioners is hereby authorized to expend a sum not exceeding seventy-five hundred dollars in addition to the amount authorized by section three of said chapter four hundred and eighty-three.

SECTION 2. The town of Barnstable may, free of expense to the Commonwealth, keep the channel so constructed open and free from all obstructions, to the depth cut by the harbor and land commissioners.

Town of Barnstable may keep channel open to a certain depth.

SECTION 3. This act shall take effect upon its passage.

Approved May 20, 1898.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A CHANNEL FROM VINEYARD SOUND TO LAKE ANTHONY.

Chap. 441

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners shall, within six months from the passage of this act, cause to be surveyed, if it deems it necessary, and to be cut from Vineyard Sound into lake Anthony, in the town of Cottage City, a channel or opening of such character and dimensions as may be necessary to afford a safe and suitable passage for boats and vessels of not less than five feet draft into and out of said lake Anthony; and said board, if it deems it necessary, shall cause said lake Anthony to be surveyed, dredged and deepened in order that the same may be used as a boat harbor.

Harbor and land commissioners may cause channel to be cut from Vineyard Sound into lake Anthony, etc.

SECTION 2. Said board may take by purchase or otherwise, in the name and behalf of the Commonwealth any land or materials necessary for the construction of said channel, and the manner of such taking and of determining the damages caused thereby, or by any doings of said board under the provisions of this act, shall be the same as provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three relative to the taking of land by the metropolitan park commission; and said board shall for the purposes of this act have all the powers conferred upon said park commission by said sections. The damages when finally determined shall be paid to the person or persons entitled thereto from the treasury of the Commonwealth.

May take necessary land, etc.

SECTION 3. The sum of five thousand dollars is hereby appropriated for the purposes of this act, to be paid out

Appropriation, etc.

of the treasury of the Commonwealth; and no taking of land or dredging or construction shall be entered upon until the board of harbor and land commissioners is first satisfied that the total expense thereof will not exceed said sum.

Town of Cottage City may keep channel open to a certain depth.

SECTION 4. The town of Cottage City may, free of expense to the Commonwealth, keep the channel constructed under the provisions of this act open and free from all obstructions to the depth cut by the board of harbor and land commissioners.

SECTION 5. This act shall take effect upon its passage.

Approved May 20, 1898.

Chap. 442 AN ACT TO AUTHORIZE THE CONSTRUCTION OF A CHANNEL FROM SCORTON HARBOR TO BARNSTABLE BAY.

Be it enacted, etc., as follows:

Harbor and land commissioners to cut a channel from Scorton harbor to Barnstable bay, etc.

SECTION 1. The board of harbor and land commissioners shall, within six months from the passage of this act, cut a channel from Scorton harbor to Barnstable bay, through a strip of land or beach at or near a place where a channel or cut formerly existed; said channel to be of such dimensions as said board shall deem necessary for the best uses and improvement of said Scorton harbor and for the safety of the property bordering thereon.

May take necessary land, etc.

SECTION 2. Said board may take by purchase or otherwise in the name and behalf of the Commonwealth any land or materials necessary for the construction of said channel, and the manner of such taking and of determining the damages caused thereby, or by any of the doings of said board under the provisions of this act, shall be the same as provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three relative to the taking of land by the metropolitan park commission; and said board shall for the purposes of this act have all the powers conferred upon said park commission by said sections. The damages when finally determined shall be paid to the person or persons entitled thereto, from the treasury of the Commonwealth.

Town of Sandwich may keep channel open to a certain depth.

SECTION 3. The town of Sandwich may, free of expense to the Commonwealth, keep the channel constructed under the provisions of this act, open and free from all obstructions, to the depth cut by the board of harbor and land commissioners.

SECTION 4. To defray the expenses of the examination and survey required to be made under this act, and for the excavation of the channel between Scorton harbor and Barnstable bay, and to pay the damages awarded under the provisions of section two of this act, a sum not exceeding five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth upon the order of said board of harbor and land commissioners.

SECTION 5. This act shall take effect upon its passage.

Approved May 20, 1898.

AN ACT RELATIVE TO SENTENCES TO THE STATE FARM.

Chap. 443

Be it enacted, etc., as follows:

SECTION 1. When a convict is sentenced to the state farm the court or trial justice imposing the sentence shall not fix or limit the duration thereof. Whoever is so sentenced for drunkenness may be held in the custody of said state farm for a term not exceeding one year, and whoever is so sentenced for any other offence may be held in such custody for a term not exceeding two years.

SECTION 2. When it shall appear to the state board of charity that any person so sentenced is reformed they may issue to him a permit to be at liberty for the remainder of the period for which he might be held, upon such conditions as they shall establish; and they may revoke said permit at any time previous to its expiration.

SECTION 3. When any permit issued as aforesaid has been revoked said state board of charity may issue an order for the return of the holder thereof to said state farm; and said order may be executed by any officer authorized to serve criminal process. The holder of said permit when returned to said state farm shall be detained therein for the remainder of the term for which he might be held under the provisions of section one of this act, and the time between his release on permit and said return shall not be considered as any part of said term.

SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 5. This act shall take effect on the first day of October in the year eighteen hundred and ninety-eight.

Approved May 20, 1898.

Appropriation.

Duration of sentences to state farm not to be fixed or limited, etc.

Permits to be at liberty may be issued to certain persons.

Holders of permits may be returned to state farm in certain cases, etc.

Repeal.

To take effect October 1, 1898.

Chap.444 AN ACT RELATIVE TO THE PUNISHMENT OF OFFENCES AGAINST
CHASTITY AND MORALITY.

Be it enacted, etc., as follows :

1886, 329, § 1,
amended.

Penalty for
seduction.

SECTION 1. Section one of chapter three hundred and twenty-nine of the acts of the year eighteen hundred and eighty-six is hereby amended by striking out in the fifth line, the words “and conversation”, so as to read as follows : — *Section 1.* Section two of chapter two hundred and seven of the Public Statutes is hereby amended so as to read as follows : — Whoever fraudulently and deceitfully entices or takes away an unmarried woman of a chaste life from her father's house or wherever else she may be found, for the purpose of prostitution or for the purpose of unlawful sexual intercourse at a house of ill-fame or assignation or elsewhere and whoever aids and assists in such abduction for such purpose, shall be punished by imprisonment in the state prison not exceeding three years or in the common jail not exceeding one year or by fine not exceeding one thousand dollars or by both fine and imprisonment in the jail.

1886, 329, § 3,
amended.

Penalty for
unlawful inter-
course with
person under
eighteen years
of age.

SECTION 2. Section three of chapter three hundred and twenty-nine of the acts of the year eighteen hundred and eighty-six is hereby amended by striking out in the second line thereof, the words “and conversation”, so as to read as follows : — *Section 3.* Whoever induces any person under the age of eighteen years of chaste life to have unlawful sexual intercourse shall be punished by imprisonment in the state prison, common jail or house of correction not exceeding three years or by fine not exceeding one thousand dollars or by both fine and imprisonment in the jail or house of correction.

Approved May 20, 1898.

Chap.445 AN ACT RELATIVE TO SEWER ASSESSMENTS IN THE TOWN OF
MELROSE.

Be it enacted, etc., as follows :

Sewer assess-
ments may be
apportioned
into equal parts
or instalments,
etc.

SECTION 1. The board of sewer commissioners of the town of Melrose, on the written request, made within three months after notification of assessment, of any owner of an estate assessed by said commissioners for its proportional part of the charge of making and maintaining main drains or common sewers, shall apportion such as-

assessment into such number of equal parts or instalments, not exceeding ten, as said owner shall state in such request, and said board shall certify such apportionment to the assessors of said town, and one of said parts or instalments, with interest from the date of said apportionment at the rate of five per cent. per annum, shall be added by the assessors to the annual tax on such estates for each year next ensuing until all of said parts have been so added and paid: *provided*, that nothing herein contained shall be construed to prevent the payment at any time in one payment of any balance of said assessments then remaining unpaid, notwithstanding such prior apportionment. All liens for the collection of such assessment shall continue until the expiration of two years from the time when the last instalment is added by the assessors and remitted to the collector.

Proviso.

SECTION 2. The board of sewer commissioners of the town of Melrose, in addition to any authority now conferred upon them to abate sewer assessments upon estates in said town, shall have full authority upon complaint of any person interested in the premises so assessed to make such abatements or suspensions of the collection of assessments for the construction of sewers as they may deem just and proper, and may make the abatement upon the whole amount of the assessment at once or upon the amount of any apportionment included in a tax or tax bills. Any such assessment so abated or suspended shall continue a lien upon the estate on which the assessment is made until the same is paid.

Sewer commissioners may make abatements or suspensions of the collection of assessments, etc.

SECTION 3. Section three of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-four is hereby repealed

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved May 20, 1898.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO ELLEN M. BRAWLEY.

Chap. 446

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Ellen M. Brawley, widow of John P. Brawley late assistant clerk of committees in the employ of said city, the balance of the salary to which he would have been entitled had he lived and continued to hold his office until

Widow of John P. Brawley.

the thirty-first day of January in the year eighteen hundred and ninety-nine.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1898.

Chap.447 AN ACT RELATIVE TO ENLISTMENTS IN THE ARMY AND NAVY OF THE UNITED STATES.

Be it enacted, etc., as follows :

Leave of absence may be granted to employees mustered into the United States service, etc.

SECTION 1. Heads of departments, boards, commissions and superintendents of state institutions having in their employ men who desire to enlist under the call of the president of the United States for service in the war now existing between the United States and Spain are hereby authorized to grant leave of absence, without pay, to men mustered into the volunteer service of the United States, until they are honorably discharged therefrom; and said officials are hereby authorized to fill temporarily any vacancies occurring by reason of such mustering into the United States service.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1898.

Chap.448 AN ACT TO INCORPORATE THE SWIFT CHARITY.

Be it enacted, etc., as follows :

Swift Charity incorporated.

SECTION 1. Spencer W. Richardson, Amor L. Hollingsworth, Samuel Gannett and their successors are hereby made a corporation by the name of the Swift Charity, for the purpose of aiding, rendering more comfortable and supporting needy and deserving persons in the town of Milton; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force applicable to such corporations, so far as the same may be applicable to the corporation hereby created.

May take and hold certain property, etc.

SECTION 2. Said corporation shall have power to take and hold the property, real and personal, given by Mary F. Swift and Elizabeth R. Swift, both late of Milton, deceased, by their last wills, for the benefit of needy and deserving women and children in said town of Milton, either through the instrumentality of the Swift Home, so-called, or otherwise, as provided in said wills; and shall hold and administer said property for charitable uses, under the conditions and directions pertaining to said property in said wills.

SECTION 3. Said corporation shall have power to take and hold by purchase, grant, gift, bequest, devise or otherwise, and to administer for any of the purposes specified in section one, any other real or personal estate; but the aggregate value of the property, real and personal, which said corporation may take and hold shall not exceed one hundred thousand dollars.

Grants,
bequests, etc.

SECTION 4. When vacancies occur in the membership of said corporation the judge of probate for the county of Norfolk shall have power to fill the same upon nomination by the then members or member, provided the person so nominated is satisfactory to said judge. If at any time there is no member of said corporation the said judge of probate shall appoint some fit person to be a member thereof, and the remaining vacancies shall be filled in the manner aforesaid.

Vacancies in
membership.

SECTION 5. This act shall take effect upon its passage.

Approved May 20, 1898.

AN ACT RELATIVE TO THE FALL RIVER PHILANTHROPIC BURIAL SOCIETY.

Chap. 449

Be it enacted, etc., as follows:

SECTION 1. The Fall River Philanthropic Burial Society, a charitable association incorporated under the provisions of chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-four, and located in Fall River, is hereby authorized to pay death and funeral benefits for the expense of burial of its members, as it has done since its organization, without otherwise conforming to the provisions of chapter four hundred and twenty-one of the acts of the year eighteen hundred and ninety, and of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-four, and acts in amendment thereof and in addition thereto.

The Fall River
Philanthropic
Burial Society
may pay death
and funeral
benefits, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 20, 1898.

AN ACT TO AUTHORIZE THE TRUSTEES OF WESTFIELD ACADEMY TO CONVEY A CERTAIN TRACT OF LAND TO THE WESTFIELD ATHENÆUM.

Chap. 450

Be it enacted, etc., as follows:

SECTION 1. The Trustees of Westfield Academy are hereby authorized to grant and convey to the Westfield

The Trustees
of Westfield
Academy may

convey certain real estate to the Westfield Athenæum.

Athenæum, without any actual consideration paid therefor, a certain tract of real estate, with the buildings thereon, situated in the town of Westfield, bounded and described as follows: — Beginning at a point on the west side of Elm street, twenty feet southerly from the southeast corner of Henry Holland's store, thence running westerly to the northeast corner of E. B. Gillett's home lot, thence southerly on the east line of said Gillett's home lot about one hundred and ninety feet to Court street, thence easterly on said Court street to its junction with Elm street, thence northerly on said Elm street to the place of beginning, — together with a right of way over the land adjoining said tract on the northerly side thereof, not exceeding twenty feet wide from said Elm street westerly to the road opened by said trustees leading west to Washington street, to have and to hold the same to said athenæum for its uses and purposes.

SECTION 2. This act shall take effect upon its passage.

Approved May 21, 1898.

Chap. 451 AN ACT RELATIVE TO CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

Be it enacted, etc., as follows:

Prevention of spread of contagious diseases among domestic animals.

SECTION 1. The work of preventing the spread of contagious diseases among domestic animals, as provided for by chapter four hundred and ninety-one of the acts of the year eighteen hundred and ninety-four, and by acts in amendment thereof and in addition thereto, shall hereafter, so far as possible, be performed and the appropriations therefor expended by local inspectors acting under the direction of the board of cattle commissioners.

Cattle commissioners may make and issue rules and regulations for the guidance of inspectors.

SECTION 2. The board of cattle commissioners, in the exercise of the authority conferred upon them by chapter four hundred and ninety-one of the acts of the year eighteen hundred and ninety-four and acts in amendment thereof and in addition thereto, is hereby given power to make and issue rules and regulations for the guidance of inspectors of animals and provisions in the inspection of meat, which shall conform with the rules and regulations of the United States bureau of animal industry for the inspection of meat for export and for interstate commerce.

Approved May 23, 1898.

AN ACT RELATIVE TO THE HEIGHT OF BUILDINGS ON AND NEAR *Chap. 452*
COPLEY SQUARE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Any building now being built or hereafter to be built, rebuilt or altered in the city of Boston, upon any land abutting on St. James avenue, between Clarendon street and Dartmouth street, or upon land at the corner of Dartmouth street and Huntington avenue, now occupied by the Pierce building, so-called, or upon land abutting on Dartmouth street, now occupied by the Boston Public Library building, or upon land at the corner of Dartmouth street and Boylston street, now occupied by the New Old South Church building, may be completed, built, rebuilt or altered to the height of ninety feet, and no more; and upon any land or lands abutting on Boylston street, between Dartmouth street and Clarendon street, may be completed, built, rebuilt or altered to the height of one hundred feet, and no more: *provided, however,* that there may be erected on any such building, above the limits hereinbefore prescribed, such steeples, towers, domes, sculptured ornaments and chimneys as the board of park commissioners of said city may approve.

Height of buildings to be built on certain land in the city of Boston restricted.

Proviso.

SECTION 2. The provisions of chapter three hundred and thirteen of the acts of the year eighteen hundred and ninety-six, and of chapter three hundred and seventy-nine of the acts of the year eighteen hundred and ninety-seven, so far as they limit the height of buildings, shall not be construed to apply to the territory specified and restricted in section one of this act.

Certain provisions of law not to apply.

SECTION 3. The owner of or any person having an interest in any building upon any land described in section one of this act, the construction whereof was begun but not completed before the fourteenth day of January in the current year, who suffers damage under the provisions of this act by reason or in consequence of having planned and begun such construction, or made contracts therefor, for a height exceeding that limited by section one of this act for the locality where said construction has been begun, may recover damages from the city of Boston for material bought or actually contracted for, and the use of which is prevented by the provisions of this act, for the excess of cost of material bought or actually contracted for over that which would be necessary for such building if not exceed-

Certain persons may recover damages from city of Boston on account of restrictions as to height of buildings.

ing in height the limit prescribed for that locality by section one of this act, less the value of such materials as are not required on account of the limitations resulting from the provisions of this act, and the actual cost or expense of any re-arrangement of the design or construction of such building made necessary by this act, by proceedings begun within two years of the passage of this act, and in the manner prescribed by law for obtaining payment for damages sustained by any person whose land is taken in the laying out of a highway in said city.

Damage or loss may be recovered in certain cases.

SECTION 4. Any person sustaining damage or loss in his property by reason of the limit of the height of buildings provided for in this act, may recover such damage or loss from the city of Boston, by proceedings begun within three years of the passage of this act, and in the manner prescribed by law for obtaining payment for damages sustained by any person whose land is taken in the laying out of a highway in said city.

SECTION 5. This act shall take effect upon its passage.

Approved May 23, 1898.

Chap. 453

AN ACT TO PROVIDE FOR THE CUSTODY OF CERTAIN RECORDS.

Be it enacted, etc., as follows:

Records of church, parish, religious societies, etc., to be delivered to city or town clerks in certain cases.

SECTION 1. When a church, parish, religious society, monthly meeting of the people called Friends or Quakers, or any similar body of persons who have associated themselves together for the purpose of holding religious meetings, shall cease for the term of two years to hold such meetings, the persons having the care of any of the records or registries of such body, or of any officers thereof, shall deliver all such records to the clerk of the city or town in which such body is situated, and such clerk may certify copies thereof.

Records to be returned under certain conditions.

SECTION 2. If any such body the records or registries of which or of any officers of which have been so delivered shall resume meetings under its former name, or shall be legally incorporated, either alone or with some similar body, the clerk of said city or town shall, upon demand made in writing by a duly authorized person, deliver such records or registries to such person: *provided, however*, that such person shall in writing certify that to the best of his knowledge and belief said meetings are to be continued, or such incorporation has been legally completed.

Proviso.

SECTION 3. Every person who after demand made by the clerk entitled by law to have possession of the records or registries aforesaid wrongfully detains the same, shall on petition of such clerk to the superior court sitting in equity be directed to deliver the same to said clerk.

Persons wrongfully detaining records shall on petition be directed to deliver them to the clerk.

SECTION 4. Nothing in this act shall be construed to apply to the custody of any records essential to the control of any property or trust funds belonging to any body of persons mentioned in this act.

Not to apply to the custody of certain records.

SECTION 5. This act shall take effect upon its passage.

Approved May 24, 1898.

AN ACT TO ALLOW THE RESTORATION TO THE PUBLIC SERVICE OF PERSONS LEAVING IT FOR MILITARY SERVICE IN TIME OF WAR.

Chap. 454

Be it enacted, etc., as follows:

Any person appointed to or employed in the public service of the Commonwealth or of any city thereof, classified under the civil service rules made under the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four and acts in amendment thereof, who may resign or leave such service for the purpose of enlisting and serving in the army or navy of the United States, or in the militia of the Commonwealth in time of war, may at any time within one year after his honorable discharge from such military or naval service be appointed to his former position or employment in the public service, or to a similar position, without application or examination under the civil service rules.

Certain persons may be restored to the public service without examination under civil service rules.

Approved May 24, 1898.

AN ACT TO DEFINE THE LIABILITY OF THE COMMONWEALTH ARISING FROM DEFECTS IN STREETS ON CERTAIN LANDS UNDER THE CARE AND CONTROL OF THE METROPOLITAN PARK COMMISSION.

Chap. 455

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter four hundred and sixty-five of the acts of the year eighteen hundred and ninety-six is hereby amended by adding at the end of said section the following words:—The liability arising out of any defect or want of repair in any street within the limits of such tracts of land as may be transferred for care and control under the provisions of this act to said metropolitan park commission, and the rights and remedies

1896, 465, § 2, amended.

thereto appertaining, shall be in all respects the same as those provided in relation to the repairs of public ways and bridges by chapter fifty-two of the Public Statutes, and by acts in amendment thereof and in addition thereto. Actions for the enforcement of such rights and remedies shall be brought against the commissioners as such, but there shall never be any personal liability on the part of them or any of them to any person injured as aforesaid by reason of such defect or want of repair. Notices required to be served upon the defendant in proceedings hereunder shall be served upon any member of the board or upon its secretary. All sums recovered against said commission under the foregoing provisions, together with any costs of suit and counsel fees, expenses and interest, shall be taken and held to be expenses of care and maintenance, — so as to read as follows: — *Section 2.* Said commission is hereby authorized and empowered to transfer for care and control, including police protection, any lands or rights or easements or interest in land, although the same be a roadway or boulevard owned or controlled by it, to any city, town or county, or local board of a city or town within the metropolitan parks district, with the consent of such city, town, county or board, and upon such terms and for such period as may be mutually agreed upon, and to enter into an agreement with any such city, town or county or board for the joint care and control or police protection of said land or boulevard, and also for laying out, constructing and maintaining streets or ways into or across any such land or boulevard; and any city, town or county, or any local board within the metropolitan parks district, is hereby authorized and empowered to transfer for care and control, including police protection, any land, rights, easements or interest in land in its control, although the same be already a part of a public street owned or controlled by it, to the metropolitan park commission for such period and upon such terms as may be mutually agreed upon, and to enter into an agreement with said commission for the joint care and control, including police protection, of said land or street. The liability arising out of any defect or want of repair in any street within the limits of such tracts of land as may be transferred for care and control under the provisions of this act to said metropolitan park commission, and the rights and remedies thereto appertaining, shall be in all respects the same as those provided in relation to the

Care and control of certain lands, etc.

Liability arising from defects in certain streets, etc.

repairs of public ways and bridges by chapter fifty-two of the Public Statutes, and by acts in amendment thereof and in addition thereto. Actions for the enforcement of such rights and remedies shall be brought against the commissioners as such, but there shall never be any personal liability on the part of them or any of them to any person injured as aforesaid by reason of such defect or want of repair. Notices required to be served upon the defendant in proceedings hereunder shall be served upon any member of the board or upon its secretary. All sums recovered against said commission under the foregoing provisions, together with any costs of suit and counsel fees, expenses and interest, shall be taken and held to be expenses of care and maintenance.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1898.

AN ACT RELATIVE TO THE TRANSFER BY MORTGAGE BY THE CENTRAL VERMONT RAILROAD COMPANY OF SAID COMPANY'S INTEREST AS LESSEE IN THE NEW LONDON NORTHERN RAILROAD.

Chap. 456

Be it enacted, etc., as follows:

SECTION 1. The transfer by mortgage, dated the twenty-sixth day of October in the year eighteen hundred and ninety-two, to the American Loan and Trust Company, made by the Central Vermont Railroad Company of the interest of the Central Vermont Railroad Company as lessee in the New London Northern Railroad is hereby consented to, provided such consent shall take effect only when approved by the board of railroad commissioners of Massachusetts upon hearing.

Transfer of certain interest by Central Vermont Railroad Company to American Loan and Trust Company consented to, etc.

SECTION 2. This act shall take effect upon its passage, and may be altered, amended or repealed at the will of the general court, and meantime said New London Northern Railroad Company, or its lessees, or the person or persons, corporation or corporations, having control, charge and management thereof, shall be under obligation to observe all laws of this Commonwealth relating to railroads.

When to take effect, etc.

Approved May 24, 1898.

AN ACT RELATIVE TO SUITS TO QUIET THE TITLE TO REAL ESTATE.

Chap. 457

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-seven is hereby amended by striking out the whole

1897, 522, § 1, amended.

Certain persons may be made parties defendant in suits to quiet title to real estate, etc.

of said section and inserting in place thereof the following: — *Section 1.* In any suit in equity brought in the supreme judicial court or in the superior court, in order to quiet or establish the title to real estate situated within this Commonwealth, or to remove a cloud from the title to such real estate, in which suit it is sought to determine the claims or rights of any person or persons who are unascertained, not in being, unknown, or out of the Commonwealth, or who for any reason cannot be actually served with process and made personally amenable to the decree of the court, such person or persons may be made parties defendant, and if they are unascertained, not in being, or unknown, general words of description, such as the heirs or legal representatives of A B, or such persons as shall become heirs, devisees, or appointees of C D, a living person or persons claiming under A B, shall suffice. It shall not be necessary for the maintenance of such suit that the parties defendant shall have a claim or the possibility of a claim resting upon an instrument the cancellation or surrender of which would afford the relief desired; but it shall be sufficient that the parties defendant claim or may claim by purchase, descent or otherwise, some right, title, interest or estate in the land which is the subject of the suit which claim cannot be met by the plaintiffs without the production of evidence. Two or more persons claiming to own separate and distinct parcels of land in the same county by titles derived from a common source may join as parties plaintiff in any suit brought under this act.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1898.

Chap. 458 AN ACT RELATIVE TO ADMINISTRATORS, EXECUTORS AND TRUSTEES.

Be it enacted, etc., as follows:

Bonds of administrators, etc.

SECTION 1. An administrator, an administrator with the will annexed, or an executor of a will or a trustee thereunder, who shall, for the period of thirty days after his appointment, fail to file his bond, duly approved, may be considered to have declined his trust.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1898.

AN ACT TO ESTABLISH THE SALARY OF THE FIRST CLERK OF THE SECRETARY OF THE STATE BOARD OF AGRICULTURE. *Chap.459*

Be it enacted, etc., as follows :

SECTION 1. The salary of the first clerk of the secretary of the state board of agriculture shall be eighteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

First clerk of secretary of board of agriculture.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1898.

AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICE AND CLERK OF THE FOURTH DISTRICT COURT OF BERKSHIRE. *Chap.460*

Be it enacted, etc., as follows :

SECTION 1. The salary of the justice of the fourth district court of Berkshire shall be fourteen hundred dollars a year, and the salary of the clerk of said court shall be six hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

Justice and clerk of fourth district court of Berkshire.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1898.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF WORCESTER TO MAKE TEMPORARY LOANS FOR THE PURPOSE OF ERECTING A COURT HOUSE. *Chap.461*

Be it enacted, etc., as follows :

SECTION 1. The county commissioners of the county of Worcester are hereby authorized to make temporary loans for the purpose of erecting a court house in said county, in accordance with the provisions of chapter four hundred and forty-nine of the acts of the year eighteen hundred and ninety-seven, and to issue the note or notes of said county for such temporary loans. Said loans shall be repaid from the proceeds of the permanent loans authorized by said chapter four hundred and forty-nine.

County commissioners may make temporary loans for erecting a court house.

SECTION 2. The note or notes hereby authorized shall bear on their face the words, Worcester Court House, Temporary Loan, Act of 1898, and shall be signed by the treasurer of said county and by a majority at least of the county commissioners.

Worcester Court House, Temporary Loan, Act of 1898.

SECTION 3. This act shall take effect upon its passage.

Approved May 24, 1898.

Chap. 462 AN ACT RELATIVE TO THE COLLECTION OF SEWER ASSESSMENTS
IN THE GREAT BARRINGTON FIRE DISTRICT.

Be it enacted, etc., as follows:

1886, 279, § 12,
etc., amended.

Assessments to
constitute a lien
on real estate,
etc.

Section twelve of chapter two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-six, as amended by section six of chapter two hundred and fifty-five of the acts of the year eighteen hundred and ninety-six, is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 12.* All assessments made by the board of commissioners of sidewalks, common sewers and main drains of the Great Barrington Fire District shall constitute a lien on the real estate assessed, for three years from the time of assessment and for one year after the final determination of any suit or proceeding in which the amount or validity of such assessment shall be drawn in question. Every assessment made by said board shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by said board for collection to the person authorized by law to collect taxes in said district. Said collector shall forthwith publish the same for three successive weeks in some newspaper published in said district; and shall, on or before the day of the last publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him and within his precinct. If any such assessment is not paid within three months from the last publication of said list he shall levy the same, with incidental costs and expenses, by sale of the land, such sales to be conducted like sales of land for the non-payment of taxes; and in making such sales and any sales for taxes assessed for said district such collector and said district and its officers shall have all the powers and privileges conferred by the general laws of the Commonwealth upon collectors of taxes, and upon cities and towns and their officers, relating to sales of land for the non-payment of taxes. The collector shall pay over all moneys received by him under this act to the treasurer of said district in the same manner as moneys received by him from taxes assessed for said district by the assessors of the town of Great Barrington.

Approved May 24, 1898.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE BANKS OF
RIVERS AND PONDS WITHIN THE METROPOLITAN PARKS DISTRICT. *Chap. 463*

Be it enacted, etc., as follows :

SECTION 1. The board of metropolitan park commissioners, in addition to any and all powers heretofore given, is hereby authorized for the purpose of making the rivers and ponds within the metropolitan parks district more available as open spaces for recreation and exercise, to regulate the use of certain spaces along or near said rivers and ponds within said district, and to care for and maintain the spaces so regulated; and for this purpose the said board is hereby authorized to take by eminent domain, or to acquire by agreement or otherwise, the right forever, or for such period of time as said board may deem expedient, to plant, care for, maintain or remove trees, shrubs and growth of any kind within said regulated spaces, and also and for the same purpose and for such periods of time as said board may deem expedient, to take or impose by eminent domain, or acquire the benefit of by agreement or otherwise, such restrictions upon such regulated spaces as said board may deem expedient: *provided, however*, that none of the rights above mentioned nor any restrictions shall be taken or imposed by right of eminent domain without the concurrence of a majority of the board, and without the concurrence of a majority of the board of park commissioners, if any, of the city or town in which the land lies out of which said rights are taken or upon which said restrictions are imposed. Nothing however in any of the foregoing provisions shall be construed to abridge or limit in any manner the powers heretofore given to said board to take or acquire land or rights in land in fee simple, even after rights may have been taken or restrictions imposed under the provisions of this act.

Metropolitan park commissioners may regulate the use of certain spaces, etc.

Proviso.

Certain powers not limited, etc.

SECTION 2. Said board shall estimate and determine as near as may be all damages sustained by any person or corporation by the exercise of the powers of eminent domain conferred by the provisions of this act, but any one aggrieved by such determination of the board may have such damages assessed by a jury of the superior court, in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways. If upon trial damages are increased beyond the

Damages.

award of the board the aggrieved party shall recover costs, otherwise such party shall pay costs, and costs shall be taxed as in civil cases; but no suit for such damages shall be brought after the expiration of two years from the date of the recording of the taking as required by the following section.

Description
of land to be
recorded, etc.

SECTION 3. Said board shall cause to be filed and recorded in the registry of deeds for the county in which the land lies out of which any rights may be taken or upon which restrictions may be imposed by eminent domain, and within sixty days from the date of such taking or the imposing of such restrictions, a description sufficiently accurate for the purpose of identification, of the land in regard to which the right of eminent domain is exercised, together with a statement of the rights taken or restrictions imposed, which description and statement shall be signed by the board or a majority thereof.

Enforcement of
provisions.

SECTION 4. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act.

SECTION 5. This act shall take effect upon its passage.

Approved May 24, 1898.

Chap. 464

AN ACT TO AUTHORIZE THE METROPOLITAN WATER BOARD TO CONVEY AND EXCHANGE LAND AND EASEMENTS.

Be it enacted, etc., as follows :

Metropolitan
water board
may convey and
exchange land
and easements,
etc.

SECTION 1. In any case in which the metropolitan water board is now authorized by law to sell real estate, instead of making such sale said board may convey real estate and receive therefor in exchange other real estate, the title of the same to be taken in the name of the Commonwealth, and may cause money to be paid or received to make the exchange equal. And said board may from time to time make grants or conveyances of easements and receive therefor in exchange other easements, money or such other considerations as may be deemed suitable by said board, the title of such easements to be taken in the name of the Commonwealth. All money received shall be paid into the treasury of the Commonwealth and be applied in the manner designated in section eighteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five for the disposition of the proceeds from the sale of real property.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1898.

AN ACT RELATIVE TO THE GRANTING OF DISCHARGES TO INSOL-
VENT DEBTORS.

Chap. 465

Be it enacted, etc., as follows :

Section ninety-three of chapter one hundred and fifty-seven of the Public Statutes, as amended by chapter three hundred and twenty-two of the acts of the year eighteen hundred and eighty-six, is hereby amended by inserting after the word "creditors", in the nineteenth line, the words:—or, with intent to defraud his creditors, has expended, invested or used any part of his property in the erection, alteration, repair or location of any building, portion of a building, structure or other object, on land owned or leased wholly or in part by another so that the same cannot be lawfully removed, — so as to read as follows:—*Section 93.* A discharge shall not be granted, or valid, if the debtor has wilfully sworn falsely as to any material fact in the course of the proceedings, or if he has fraudulently concealed any part of his estate or effects, or any books or writings relating thereto; or has made any fraudulent payment, gift, transfer, conveyance or assignment of any part of his property, or spent any part thereof in gaming; or if within six months before the filing of the petition by or against him he has obtained on credit from any person any money, goods, chattels or other thing of value, with intent not to pay for the same, or has procured his lands, goods, money or chattels to be attached, sequestered or seized on execution; or if he has destroyed, altered, mutilated or falsified any of his books, documents, papers, writings or securities, or has made or been privy to the making of any false or fraudulent entry in any book of account or other document with intent to defraud his creditors; or, with intent to defraud his creditors, has expended, invested or used any part of his property in the erection, alteration, repair or location of any building, portion of a building, structure or other object, on land owned or leased wholly or in part by another so that the same cannot be lawfully removed; or has removed himself or removed or caused to be removed any part of his property from the state with intent to defraud his creditors; or if, having knowledge that a person has proved a false debt against his estate, he has not disclosed the same to his assignee within one month after such knowledge; or if, being a merchant or tradesman,

P. S. 157, § 93,
etc., amended.

Discharge in
insolvency not
to be granted or
valid under
certain con-
ditions, etc.

he has not kept proper books of account. And the discharge shall be null and void if the debtor or any person in his behalf has procured the assent of any creditor thereto by a pecuniary consideration.

Approved May 24, 1898.

Chap. 466 AN ACT RELATIVE TO THE EMPLOYMENT OF SUPERINTENDENTS OF SCHOOLS BY SMALL TOWNS.

Be it enacted, etc., as follows:

Certain towns may unite in the employment of a superintendent of schools.

SECTION 1. Any two or more towns the valuation of each of which does not exceed two million five hundred thousand dollars, and the aggregate number of schools in all of which is not more than fifty nor less than twenty-five, or any four or more towns, without reference to the minimum limit in the aggregate number of schools aforesaid, the valuation of each of which does not exceed two million five hundred thousand dollars, may by vote of the several towns unite for the purpose of the employment of a superintendent of schools under the provisions of this act.

School committees of towns comprising the union to form a joint committee, etc.

SECTION 2. When such a union has been effected the school committees of the towns comprising the union shall form a joint committee, and for the purposes of this act said joint committee shall be held to be the agents of each town comprising the union. Said committee shall meet annually in joint convention in the month of April, at a day and place agreed upon by the chairmen of the committees of the several towns comprising the union, and shall organize by the choice of a chairman and secretary. They shall choose by ballot a superintendent of schools, determine the relative amount of service to be performed by him in each town, fix his salary and apportion the amount thereof to be paid by the several towns, and certify such amount to the treasurer of each town. When such a union has been effected it shall not be dissolved because any one of the towns shall have increased its valuation so that it exceeds two million five hundred thousand dollars, nor because the number of schools shall have increased beyond the number of fifty or decreased below the number of twenty-five, nor, for any reason, for the period of three years from the date of the formation of such union, except by vote of a majority of the towns constituting the union.

SECTION 3. Whenever the chairman and secretary of such joint committee shall certify to the state auditor under oath that a union has been effected as herein provided, that the towns, in addition to an amount equal to the average of the total sum paid, or to the sum paid per child, by the several towns for schools during the three years next preceding, unitedly have raised by taxation and appropriated a sum not less than seven hundred and fifty dollars for the support of a superintendent of schools, and that under the provisions of this act a superintendent of schools has been employed for one year, then upon the approval of said certificate by the state board of education and the presentation thereof to the state auditor, a warrant shall be drawn upon the treasurer of the Commonwealth for the payment of one thousand two hundred and fifty dollars, seven hundred and fifty dollars of which amount shall be paid for the salary of such superintendent, and the remaining five hundred dollars shall be apportioned and distributed on the basis of the amount appropriated and expended for a superintendent in the towns forming such district for the year next preceding, which amount shall be paid for the salaries of teachers employed in the public schools within such district.

Certain sum to be paid by the Commonwealth, etc.

SECTION 4. There shall be appropriated annually such sum as may be necessary to carry out the provisions of this act.

Appropriations.

SECTION 5. The provisions of section forty-three of chapter forty-four of the Public Statutes respecting the service of school committees without pay in towns wherein a superintendent is appointed shall not apply to towns uniting in the employment of a superintendent under the provisions of this act.

Certain provisions of law not to apply.

SECTION 6. Towns whose valuation exceeds the limit fixed by section one may participate in any union formed under the provisions of this act, in the same manner and subject to the same terms, conditions and benefits as towns of valuation within that limit, except as hereinafter provided.

Certain towns may participate in a union.

SECTION 7. In any district so formed, including at its formation a town whose valuation exceeds said limit, the allowance by the Commonwealth in aid of said district, as provided in section three, shall not be made to the entire district, but shall first be apportioned to the several towns upon the basis of the amount appropriated by them

Allowance by the Commonwealth to be apportioned in certain cases.

respectively for the support of a superintendent for the year next preceding, and the warrant upon the treasurer of the Commonwealth shall then be drawn in favor of and only for the portions so assigned to those towns of the district whose valuation at the time of said union did not exceed the limit provided in section one.

Increase of
valuation in
certain towns.

SECTION 8. When the valuation of any town in a district formed under any of the foregoing provisions shall have so increased as to exceed the sum of three million five hundred thousand dollars the fact of such excess shall for the purposes of this act have the same force and effect as if the valuation of said town had at the time of such union exceeded the limit of two million five hundred thousand dollars.

Towns may
authorize
school commit-
tees to arrange
unions, etc.

SECTION 9. Towns may by vote authorize their school committees to arrange such unions in accordance with the provisions of this act as may be most advantageous, subject however to the approval of the state board of education; and any district so formed by committees so authorized and with such approval shall have the same validity as if formed by direct vote of the towns, as provided in section one.

SECTION 10. This act shall take effect upon its passage.

Approved May 26, 1898.

Chap. 467 AN ACT TO AUTHORIZE THE CITIES OF BOSTON AND CAMBRIDGE TO CONSTRUCT AND MAINTAIN A BRIDGE OVER CHARLES RIVER.

Be it enacted, etc., as follows:

New bridge to
be constructed
across Charles
river.

SECTION 1. The cities of Boston and Cambridge, by a commission as hereinafter specified, shall forthwith construct as a highway, a new bridge across Charles river, to be known as Cambridge bridge, at, upon, or near the present site of the so-called West Boston bridge, from Cambridge street in Boston to Main street in Cambridge; shall construct approaches to said bridge on each end thereof; may construct a temporary highway bridge to be used by teams and pedestrians during such construction; shall cause shoals to be dredged or otherwise removed so as to afford vessels passing to or through the draw of said bridge a depth of water equal at least to that now afforded to vessels passing to or through the draw of the present bridge; shall take such lands east of the westerly line of the easterly abutment of said bridge and west of the

Temporary
highway bridge
may be con-
structed, etc.

easterly line of the westerly abutment of said bridge as they shall deem necessary for carrying out the provisions of this act, and shall cause all lands so taken to be filled.

SECTION 2. The board of harbor and land commissioners shall authorize such occupations of lands or flats outside of the harbor lines, at and near each end of said bridge, as they deem necessary for the proper construction of said bridge and for avoiding angles that will tend to cause collections of floating matter, and in granting licenses for the dredging of flats in said river shall endeavor to ensure the removal of the shoals aforesaid by the licensees prior to the necessity for such removal, as required in the preceding section.

Harbor and land commissioners to authorize occupations of certain lands, etc.

SECTION 3. Said commission shall be styled the Cambridge Bridge Commission, shall consist of the mayor for the time being of the city of Boston, and the mayor for the time being of the city of Cambridge, who shall serve without compensation, and a third person to be appointed in writing and certified to the city clerk of each city by said mayors, within thirty days after the passage of this act; and if said third commissioner is not so appointed and certified the governor may appoint some disinterested person as such third commissioner, and any vacancy occurring by reason of death, resignation, inability to serve, or otherwise, on the part of said third commissioner, shall be filled by appointment in the manner hereinbefore provided for his original appointment. Said third commissioner shall receive such compensation for his services as said mayors may agree upon, or, in case of their failure to agree, then such compensation as the governor may determine.

Cambridge Bridge Commission.

Vacancy.

Compensation of third commissioner.

SECTION 4. Said bridge shall be suitable for all the purposes of ordinary travel between said cities, and for the use of the elevated and surface cars of the Boston Elevated Railway Company; shall be built not less than one hundred and five feet in width, and with masonry piers and abutments, and a superstructure of iron or steel, or both, and with a draw substantially equidistant from the easterly and westerly end abutments of said bridge, with a clear opening not less than forty feet in width, according to plans to be determined by said commission; shall be constructed and maintained subject to the provisions of chapter nineteen of the Public Statutes and of all other general laws which now are or hereafter may be

Construction, etc., of bridge.

P. S. 19, etc., to apply.

in force relating to bridges over tide water, and to the draws therein; except that no compensation for displacement of tide water, or for occupying any land or flats of the Commonwealth, shall be required from said cities or from either of them.

Construction,
etc., of ap-
proach to bridge
on Boston side.

SECTION 5. The approach to said bridge on the Boston side shall be laid out by said commission as a highway not less than one hundred feet in width in all its extent from the westerly line of Charles street, extending westerly to the easterly line of the easterly abutment of said bridge, and the city engineer of the city of Boston, acting for said city, shall construct said approach at or before the completion of said new bridge.

Construction,
etc., of ap-
proach to bridge
on Cambridge
side.

SECTION 6. The approach to said bridge on the Cambridge side shall be laid out by said commission as a highway not less than one hundred feet in width in all its extent from the junction of Broadway with Main street in Kendall square, so-called, extending easterly to the westerly line of the westerly abutment of said bridge, and the city engineer of the city of Cambridge, acting for said city, shall construct said approach at or before the completion of said new bridge.

Certain pro-
visions of law
to apply.

SECTION 7. Said commission shall in laying out said approaches proceed under the same general laws, so far as applicable, as govern the laying out of highways in said cities respectively under the provisions of law authorizing the assessment of betterments, with like remedies to all parties interested.

Payment of cost
of construction,
etc.

SECTION 8. The cost of the laying out and construction of said approach in the city of Boston, and of all other work on the Boston end of said bridge, not including any part of the construction of the abutments or other parts of said bridge, shall be paid by the city of Boston, and the cost of the laying out and construction of said approach in the city of Cambridge, and of all other work on the Cambridge end of said bridge, not including any part of the construction of the abutments or other parts of said bridge, shall be paid by the city of Cambridge, and the cost of construction of the abutments and other parts of said bridge, including the cost of the temporary highway bridge, the removal of shoals, and the salaries of the commissioners and of all employees of said commission, and including all other expenses incurred in carrying out the provisions of this act not hereinbefore required to be paid by said cities severally, shall be deemed the

cost of construction of said bridge, and shall be paid as provided in section fifteen of chapter five hundred of the acts of the year eighteen hundred and ninety-seven.

SECTION 9. Said commission from time to time, while said bridge is in process of construction, shall certify to the treasurer of the city of Boston and to the treasurer of the city of Cambridge the amount to be paid by each city respectively for work done and materials furnished under this act, and the persons to whom the amounts are to be paid; and the amounts so certified shall on demand therefor be paid by the person entitled thereto be paid forthwith.

Commission to certify to treasurer of each city amount to be paid, etc.

SECTION 10. The supreme judicial court, or any justice thereof, sitting in equity for either of the counties of Middlesex or Suffolk, upon the written application of said commission and after notice to all parties interested, may appoint three disinterested persons not residents of the county of Middlesex, who shall have the power to compel the attendance of witnesses, and who shall, after the construction of said bridge and avenues, and after notice to and hearing of the parties interested, determine what amount shall be paid by the Boston Elevated Railway Company as its proportion of the cost of the construction of said bridge under the provisions of section fifteen of chapter five hundred of the acts of the year eighteen hundred and ninety-seven. Said commissioners shall return their determination into said court, and the decree of the court confirming such determination shall be final and binding; and said elevated railway company shall pay to the city of Boston one half of the amount determined for it by said commissioners, and shall pay the other half to the city of Cambridge.

Commission may be appointed to determine amount to be paid by Boston Elevated Railway Company, etc.

SECTION 11. The treasurer of the city of Boston, on the request of the mayor thereof, and the treasurer of the city of Cambridge, on the request of the mayor thereof, shall from time to time issue notes, bonds or scrip of their respective cities as either may require, in excess of the debt limit prescribed by law, each bond to be designated on the face thereof, Cambridge Bridge Loan, and shall use the proceeds to meet the cost to be paid by them respectively under this act. Such notes, bonds or scrip shall bear interest, payable semi-annually, not exceeding four per cent. per annum, and be payable at such time, not less than ten nor more than forty years from their respective dates, as shall be determined respectively by the treasurer and mayor of the city of Boston and by vote

Cambridge Bridge Loan.

P. S. 29, §§ 10
and 11, to apply.

of the city council of the city of Cambridge, and expressed upon the face of the bonds. The provisions of sections ten and eleven of chapter twenty-nine of the Public Statutes shall so far as applicable apply to the bonds, notes and scrip issued under the authority of this act.

Damages.

SECTION 12. Any person entitled by law to any damages for the taking of or injury to his property under authority of this act may have such damages determined by a jury in the superior court for the county of Suffolk or Middlesex on petition therefor, under the same rules of law so far as applicable as damages are determined for the taking of lands for highways in said cities of Boston and Cambridge, respectively, under the provisions of law authorizing the assessment of betterments.

Betterments
may be as-
sessed.

SECTION 13. Betterments may be assessed for the laying out and construction of said avenue in said cities of Boston and Cambridge, respectively, under the general laws authorizing the assessment of betterments, with like remedies to all parties interested.

Maintenance,
management,
etc.; commis-
sion to be ap-
pointed, etc.

SECTION 14. Said bridge and draw, and all other bridges and draws between said two cities, shall be policed and maintained by the cities of Boston and Cambridge, and a board of two commissioners, one appointed by the mayor of the city of Boston and one by the mayor of the city of Cambridge, without any confirmation thereof being required, shall support, manage and keep in repair said bridges, and exclusively authorize poles, wires and other structures to be placed on any or all of the same, in such places as said board may deem proper; and each city shall appropriate one half the amount required for such maintenance, policing, support, management and repairs as determined by said board and by the mayors of said cities; and all damages recovered in any action at law by reason of any defect or want of repair in any such bridge or draw shall be paid by said cities equally.

Payment of
damages.

Enforcement of
provisions, etc.

SECTION 15. The supreme judicial court, or any justice thereof, sitting in equity for either the county of Middlesex or the county of Suffolk, shall in term time or vacation, on the petition of any city, corporation, person or persons interested, or of the attorney of any such petitioner, have jurisdiction in equity to enforce and to prevent any violation of the provisions of this act.

SECTION 16. This act shall take effect upon its passage.

Approved May 26, 1898,

AN ACT RELATIVE TO THE MOUNT HERMON BOYS' SCHOOL.

Chap.468

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and twenty-one of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out all after the word "dollars", in the fourth line, and inserting in place thereof the following:—*provided*, that no real estate acquired by said corporation after the date of the passage of this act shall be exempt from taxation; and for purposes of taxation such real estate shall be assessed proportionately with the valuation of adjoining farm property; but no buildings now or hereafter erected for the purposes for which the school was incorporated shall be subject to taxation,—so as to read as follows:—*Section 1.* The Mount Hermon Boys' School is hereby authorized to hold real and personal estate, in the manner and for the purposes set forth in its charter, to an amount not exceeding two million dollars: *provided*, that no real estate acquired by said corporation after the date of the passage of this act shall be exempt from taxation; and for purposes of taxation such real estate shall be assessed proportionately with the valuation of adjoining farm property; but no buildings now or hereafter erected for the purposes for which the school was incorporated shall be subject to taxation.

1895, 321, § 1,
amended.

The Mount
Hermon Boys'
School may
hold real and
personal estate.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1898.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF GREEN HARBOR
IN THE TOWN OF MARSHFIELD.

Chap.469

Be it enacted, etc., as follows:

The board of harbor and land commissioners is hereby authorized and directed to improve Green Harbor in the town of Marshfield by dredging an anchorage basin within the harbor and a channel through said harbor to the sea, and by constructing such jetties, training walls or other works as may be deemed necessary to maintain the said basin and the said channel, substantially in accordance with the report of the joint board established by chapter four hundred and ninety-five of the acts of the year eighteen hundred and ninety-six. A sum not exceeding sixty-seven thousand dollars may be expended by said board in

Improvement of
Green Harbor.

doing the work aforesaid, provided that not more than thirty thousand dollars of such sum shall be expended during the current financial year. All contracts made under the authority of this act shall be subject to the approval of the governor and council.

Approved May 26, 1898.

Chap. 470 AN ACT TO PROVIDE FOR THE COMPLETION OF THE JAIL AT FALL RIVER.

Be it enacted, etc., as follows :

County commissioners of Bristol county may issue notes or bonds.

SECTION 1. For the purposes mentioned in chapter two hundred and ninety-seven of the acts of the year eighteen hundred and ninety-seven, and in addition to the sums authorized by said chapter to be borrowed, the county commissioners of the county of Bristol are hereby authorized to borrow on the credit of said county the sum of ten thousand dollars, and to issue the notes or bonds of said county therefor.

1897, 297, § 4, amended.

SECTION 2. Section four of said chapter is hereby amended by striking out the word "thirty", in the last line, and inserting in place thereof the word:—forty,—so as to read as follows:—*Section 4.* No contract shall be made for the construction of said building until plans, together with detailed estimates of cost from reliable parties who are willing and prepared to furnish bonds with satisfactory sureties for the actual performance of the work and the furnishing of materials for the amount specified in said estimates, have been submitted to and approved by the board designated in section one of this act. And such approval shall not be given to any plans so submitted until said board is fully satisfied that the cost of the building, together with the cost of land, will not exceed the amount of one hundred and forty thousand dollars.

Plans, etc., to be approved.

1897, 297, § 8, amended.

SECTION 3. Section eight of said chapter is hereby amended by striking out the word "thirty", in the sixth line, and inserting in place thereof the word:—forty,—so as to read as follows:—*Section 8.* The receiving by the county commissioners of bids from responsible parties for the complete construction of the building authorized under this act within a sum which, with the cost of the land purchased or taken under this act, shall not exceed the sum of one hundred and forty thousand dollars, shall be a condition precedent to the authority of said commis-

Receiving of certain bids to be authority to borrow money, etc.

sioners to borrow money under this act, except for procuring plans and specifications and for the cost of the land taken or purchased as provided in this act.

SECTION 4. This act shall take effect upon its passage.

Approved May 26, 1898.

AN ACT RELATIVE TO LOANS OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Chap. 471

SECTION 1. The city treasurer of the city of Boston from time to time on the request of the mayor of said city that he will issue notes, bonds or scrip of said city for any purpose for which said treasurer has heretofore been authorized to issue certificates of indebtedness, or notes, bonds or scrip of said city, or for any purpose for which said treasurer shall hereafter by act of the legislature or by vote of the city council be authorized to issue certificates of indebtedness, or notes, bonds or scrip of said city, shall issue to the amount stated in the request, registered or coupon bonds or certificates of said city, not exceeding in all, for any purpose, the amount which said city is or shall be authorized to borrow for that purpose.

City treasurer of Boston to issue bonds, etc.

SECTION 2. All bonds or certificates of said city hereafter issued by said treasurer shall be for such terms, not exceeding forty years, and bear such rates of interest, not exceeding four per cent. per annum, and the interest shall be payable at such times, as said treasurer and mayor shall determine, anything in any general or special act to the contrary notwithstanding. Any premiums coming to the city in the negotiation or sale of any bonds or certificates hereafter issued shall be paid into the sinking funds for the redemption thereof: *provided*, that nothing in this act shall be construed to authorize said treasurer and mayor to issue any bonds or certificates of said city for any longer terms than are or may be authorized by any general or special act.

Terms and interest.

Premiums to be paid into sinking funds.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1898.

AN ACT RELATIVE TO CONVENTIONS AND CAUCUSES.

Be it enacted, etc., as follows:

Chap. 472

SECTION 1. Section seventy-five of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out

1893, 417, § 75, amended.

Nominations
by caucus or
convention.

Secretary of
convention to
file certificate.

1895, 507, § 20,
amended.

Balloting in cer-
tain caucuses.

Proviso.

1895, 489, § 8,
amended.

Certain cau-
cuses to be held
on one of two
consecutive
days, etc.

the whole of said section and inserting in place thereof the following: — *Section 75.* A convention of delegates or a caucus held in accordance with the provisions of this act may for the Commonwealth, or a district, county, city, town or ward, make one nomination for each office to be filled at an election therein, and shall be entitled to have the names of its candidates placed upon the official ballot upon filing a certificate of nomination. It shall be the duty of the secretary of the convention or caucus, as the case may be, to file, within the seventy-two hours succeeding five o'clock of the date upon which such convention or caucus was held, such certificate of nominations in the office of the secretary of the Commonwealth, or in the office of the city or town clerk, or in the city of Boston in the office of the board of election commissioners, as provided by law.

SECTION 2. Paragraph (2) of section twenty of chapter five hundred and seven of the acts of the year eighteen hundred and ninety-five is hereby amended by adding at the end of said paragraph the following words: — *provided*, that the polls shall not be closed until every voter waiting in line at the hour fixed for closing the polls has had an opportunity to vote, — so as to read as follows: — (2) Thereafter balloting shall be allowed to proceed uninterruptedly until half-past eight o'clock in the evening, when the polls shall be closed unless the caucus shall vote to keep them open until a later hour: *provided*, that the polls shall not be closed until every voter waiting in line at the hour fixed for closing the polls has had an opportunity to vote.

SECTION 3. Section eight of chapter four hundred and eighty-nine of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 8.* All caucuses of political parties (except for special elections) for choice of delegates to political conventions which nominate candidates to be voted for at the annual state election, and for the nomination of candidates to be voted for at such election, shall be held throughout the Commonwealth on one of two consecutive days, designated by the state committee of the political party for which said caucuses are held; and all of said delegates shall be elected and all of said candidates shall be nominated at one caucus, except that caucuses

held for choice of delegates to a representative district convention, or for nomination of candidates for the general court, may be called and held as hereinafter provided. Such caucuses shall be held at the call of the state committee of the political party whose caucuses are to be held, and the chairman and secretary of the state committee of each political party shall at least twenty-one days before the date on which the caucuses are to be held forward a copy of the call, with designations of dates, to the chairman and secretary of each city and town committee of their party, and they shall at the same time designate two other consecutive days, which shall be at least seven days later than the designation above-provided, as dates on which caucuses may be held for choice of delegates to a representative district convention, or for nomination of candidates for the general court. Each city or town committee shall determine on which one of said two dates such representative caucuses shall be held in their city or town. No representative conventions shall be held at a date earlier than fifteen days after the latest date designated by the state committee for holding caucuses for the choice of delegates to the state convention.

Caucuses for choice of delegates to representative district convention, etc.

Approved May 26, 1898.

AN ACT RELATIVE TO BETTERMENT TAXES ASSESSED BY THE METROPOLITAN PARK COMMISSION.

Chap. 473

Be it enacted, etc., as follows:

SECTION 1. In every case where a betterment tax has been or may hereafter be assessed upon real estate by the metropolitan park commission under the provisions of law authorizing said commission to assess betterments the treasurer and receiver general of the Commonwealth may maintain an action of contract in his own name against the owner of said real estate at the date of the taking by reason of which said betterment accrued, for the amount of said tax, and the expenses of prosecuting any such action shall be paid out of the funds provided by law for meeting the expenses of said commission.

Treasurer and receiver general may maintain action of contract in his own name in certain cases, etc.

SECTION 2. All sums of money hereafter collected or received by the treasurer and receiver general in payment of betterment taxes assessed by the metropolitan park commission shall be placed by him to the credit of and added to the funds provided by law for meeting the ex-

Disposition of money collected, etc.

penses of said commission, and may be expended by said commission in addition to any loans or appropriations authorized for park purposes.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1898.

Chap. 474 AN ACT RELATIVE TO FRATERNAL BENEFICIARY ORGANIZATIONS.
Be it enacted, etc., as follows:

Fraternal beneficiary corporations may be formed.

SECTION 1. Seven or more persons, residents of this Commonwealth, may form a fraternal beneficiary corporation for the purposes hereinafter provided.

Agreement of association.

SECTION 2. The agreement shall state that the subscribers thereto associate themselves with the intention of forming a corporation, the name of the corporation, the purpose for which it is formed, and the town or city, which shall be in this Commonwealth, in which it is located. The name shall be one not in use by an existing corporation, nor so similar as to be liable to be mistaken therefor, and shall indicate that it is a corporation.

Name.

First meeting.

SECTION 3. The first meeting of the associates shall be called by a notice signed by one or more of the subscribers to such agreement, stating the time, place and purpose of the meeting; a copy of which notice shall, seven days at least before the day appointed for the meeting, be given to each subscriber, or left at his usual place of business or place of residence, or deposited in the post office, post paid, addressed to him at his usual place of business or residence. Whoever gives such notice shall make affidavit of his doings, which shall be recorded in the records of the corporation.

Organization.

SECTION 4. At such first meeting, including any necessary or reasonable adjournment, an organization shall be effected by the choice by ballot of a temporary clerk, who shall be sworn, and by the adoption of by-laws and the election of directors, president, treasurer and clerk, or other officers corresponding thereto, by ballot, and such other officers as the by-laws may provide; but at such meeting no person shall be eligible as a director or other officer who has not subscribed the agreement of association. The temporary clerk shall make and attest a record of the proceedings until the clerk has been chosen and sworn, including a record of such choice and qualification.

By-laws may prescribe manner in which

SECTION 5. The corporation may prescribe by its by-laws the manner in which and the officers and agents by

whom the purposes of its incorporation may be carried out, and, instead of the directors and other officers named in section four, it may have trustees or managers and financial and recording officers, with similar powers and duties.

purposes may be carried out, etc.

SECTION 6. Officers chosen as required in section four shall hold office until the next succeeding meeting of the corporation for the election of officers, the date of which, within two years of the time of organization, shall be prescribed by the by-laws, at which, and thereafter at least biennially, the before mentioned officers shall be chosen, and shall hold office until their successors are elected and qualified: *provided, however*, that standing committees or boards having prescribed duties under the by-laws, including those who are by such by-laws made directors or other officers corresponding thereto, may be constituted by the election of one member thereof annually to serve for a period not exceeding three years under any one election; and *provided, further*, that no person shall be elected or appointed to a legislative or administrative position for more than three years at any one election or appointment.

Tenure of office.

Provisos.

SECTION 7. The presiding officer, treasurer, and a majority of the directors, or other officers corresponding thereto, shall forthwith make, sign and swear to a certificate setting forth a true copy of the agreement and declaration of purpose of the association, with the names of the subscribers thereto, the date of the first meeting, and the successive adjournments thereof, if any, and shall submit such certificate and the records of the corporation to the insurance commissioner, who shall make such examination and require such evidence as he deems necessary; and if it appears that the purposes and proceedings of the corporation conform to law he shall so certify, and the certificate shall then be filed by said officers in the office of the secretary of the Commonwealth, who, upon payment of a fee of five dollars, shall cause the same, with the indorsements, to be recorded, and shall thereupon issue a certificate in the following form:

Certificate and records to be submitted to insurance commissioner.

Certificate to be filed in the office of the secretary of the Commonwealth, etc.

COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas [here the names of the subscribers to the agreement of association shall be inserted] have associated themselves with the intention of forming a corporation under the name of [here the name of the

Form of certificate to be issued by secretary of the Commonwealth.

corporation shall be inserted], for the purpose [here the purpose declared in the agreement of association shall be inserted], and have complied with the provisions of the statutes of the Commonwealth in such case made and provided, as appears from the certificate of the officers of said corporation, duly certified by the insurance commissioner and recorded in this office; now, therefore, I [here the name of the secretary shall be inserted], secretary of the Commonwealth of Massachusetts, do hereby certify that said [here the names of the subscribers to the agreement of association shall be inserted], their associates and successors, are legally organized and established as, and are hereby made an existing corporation, under the name of [here the name of the corporation shall be inserted], with the powers, rights and privileges, and subject to the limitations, duties and restrictions which by law appertain thereto. Witness my official signature hereunto subscribed, and the seal of the Commonwealth of Massachusetts hereunto affixed, this day of in the year . [In these blanks the day, month and year of the execution of the certificate shall be inserted.]

Certificate to be evidence of the existence of corporation.

The secretary shall sign the same and cause the seal of the Commonwealth to be thereto affixed, and such certificate shall be conclusive evidence of the existence of such corporation at the date of such certificate. He shall also cause a record of such certificate to be made, and a certified copy of such record may be given in evidence, with like effect as the original certificate.

Not to do business until certificate from insurance commissioner is received, etc.

SECTION 8. No corporation organized as aforesaid shall commence to do business or issue any certificate until it has presented satisfactory evidence to the insurance commissioner and received his certification that it has obtained not less than five hundred bona fide applications for membership, nor until it has deposited as a part of its emergency fund with the treasurer of the Commonwealth at least one thousand dollars in securities authorized by section eleven of this act: *provided, however*, that this requirement shall not apply to any fraternal beneficiary corporation which confines its membership to the employees of towns, cities, or of the Commonwealth, or of a designated firm, business house or corporation, or to the residents of any one town or city.

Proviso.

Names of certain corporations may be changed.

SECTION 9. Any domestic corporation subject to the provisions of this act may, with the consent of the insurance commissioner, upon application to the commissioner

of corporations, change its name under the conditions and in the manner prescribed in chapter three hundred and sixty of the acts of the year eighteen hundred and ninety-one.

SECTION 10. Any domestic corporation subject to the provisions of this act may hold its annual meetings in any state, in the District of Columbia, or in any province in the Dominion of Canada, wherein it has one or more local branches; and its acts at such meetings shall have the same effect as if done within this Commonwealth.

May hold meetings outside the Commonwealth.

SECTION 11. Any corporation duly organized and transacting business under this act, which conducts its business as a fraternal society on the lodge system, or which limits its certificate holders to a particular order, class, or fraternity, or to the employees of towns, cities, or the Commonwealth, or of a designated firm, business house or corporation, may make provision for the payment of benefits in case of death, or may make provision for the payment of benefits in case of sickness or disability, or both death benefits and sick or disability benefits. The funds from which the payments of such benefits shall be made shall be derived from assessments collected from the members. Such provision, funds, assessments and payments shall be as required and provided for in its by-laws. Such death benefit shall be only payable to the husband, wife, affianced husband, affianced wife, child by legal adoption, parent by legal adoption, relatives of, or persons dependent upon the member named in the benefit certificate: *provided, however*, that in any instance where a benefit certificate has been issued in accordance with the above provisions and the husband, wife, affianced husband, affianced wife, child, child by legal adoption, parent, parent by legal adoption, or persons dependent upon the member named in the benefit certificate have all died, the member with the consent of the officers of the corporation, and under such rules as they may prescribe, may have the certificate transferred to any other person.

Certain corporations may pay sick or death benefits, etc.

To whom death benefits shall be payable.

Proviso.

Any such corporation may hold as a death fund belonging to the beneficiaries of anticipated deceased members an amount not exceeding three assessments from a general or unlimited membership, or an amount not exceeding in the aggregate three assessments from each limited class or division of its members; and in addition thereto may create, collect, maintain, disburse and apply an emergency fund in accordance with its by-laws, not however at any

May hold as a death fund an amount not exceeding three assessments, etc.

time exceeding in amount collected from its members three per cent. of the aggregate face value of all its then outstanding benefit certificates. If any part of such fund payable by a member under such by-laws shall remain unpaid at his decease the same may be deducted from the amount payable to his beneficiary or beneficiaries; and *provided, further*, that any decrease in such face value shall not require a corresponding diminution of such emergency fund. Such death fund while held in trust shall be invested in securities in which insurance companies are allowed by law to invest their capital, or deposited in safe banking institutions subject to sight drafts, for distribution to the beneficiaries aforesaid. Such emergency fund shall be invested in securities in which insurance companies are allowed by law to invest their capital, or not exceeding twenty per cent. thereof in a building for use and occupancy by the corporation as its home office, within this Commonwealth; and such securities shall be deposited in trust with the treasurer of the Commonwealth, but the corporation shall have at all times the right to exchange any part of said securities for others that said treasurer may determine to be of equal value and character. No portion of said securities shall be withdrawn except upon a requisition signed by three fourths of the directors or executive committee, or other officers corresponding thereto, and endorsed by the insurance commissioner, setting forth that the same is to be used for the purposes of the trust.

Proviso.

Death fund to be invested in certain securities.

Securities to be deposited in trust with the treasurer of the Commonwealth, etc.

Funds to be used only for prescribed purposes, etc.

Proviso.

Certain conditional contracts not valid, etc.

Death and disability assessments may be called together.
Proviso.

No portion of the funds herein provided shall be used for any other purposes than as heretofore specifically prescribed, and no assessment for the disability fund shall be called while there remains on hand of such fund an amount equal to that received from one assessment, *provided, however*, that payments for total permanent disability may be made from the death fund.

No contract under this section shall be valid or legal which shall be conditional upon an agreement or understanding that the beneficiary shall pay the dues and assessments, or either of them. Death and disability assessments may be called together, *provided*, that the proportion to be used for either purpose shall be distinctly stated and the amount received for each fund shall be held and used only in the manner heretofore provided. The fund from which the expenses shall be defrayed may

be derived from a per capita tax, dues or expense assessments.

SECTION 12. Any corporation organized under or conducting its business in accordance with the provisions of this act, and which has no per capita tax, may make not exceeding three assessments per year to meet its reasonably necessary expenses. The purpose of such assessments shall be clearly stated in calls therefor, and no expense assessment shall be called while the amount of one assessment remains on hand.

Certain corporations may make three assessments per year for expenses.

Any corporation organized as aforesaid which limits its membership to the permanent employees of towns, cities, or the Commonwealth, and which pays only annuities or gratuities contingent upon disability or long service, shall not be subject to the foregoing limitation as to the amount of funds to be held for the purposes of its organization, and may accept and hold gifts, legacies or other contributions therefor.

Not subject to certain limitations, etc.

Any existing fraternal beneficiary corporation or association, and any existing purely charitable association or corporation, either of which pays a death or funeral benefit not exceeding one hundred and twenty-five dollars, and disability benefits not exceeding five dollars per week, is hereby authorized to continue in this Commonwealth such business without otherwise conforming to the provisions of this act.

Certain existing corporations, etc., may continue business, etc.

No corporation shall re-insure with or transfer its membership, certificates or funds to any organization not authorized to do business in this Commonwealth, and members of such corporations shall not vote by proxy.

Re-insurance with or transfer of membership, etc., to certain organizations prohibited, etc.

SECTION 13. Fraternal beneficiary corporations organized under the laws of another state and paying only disability and death benefits, and now transacting in this Commonwealth the business defined in this act, may continue such business upon complying with the provisions of this act; and any such corporation not now doing business in this Commonwealth may be admitted to do such business when it shall have filed with the insurance commissioner a duly certified copy of its charter and articles of association, and a copy of its constitution or laws certified to by its secretary or corresponding officer, together with the appointment of such commissioner as the person upon whom process shall be served as hereinafter provided, and a statement under oath of the president

Conditions under which certain foreign fraternal beneficiary corporations may do business in this Commonwealth, etc.

and secretary in the form required by such commissioner of its business for the preceding year, and provided that such corporation shall be shown to be authorized or permitted to do business in the state in which it is incorporated or organized, and provided that similar corporations organized under the laws of this Commonwealth are authorized to do business in such state. When any other state shall impose any obligations in excess of those imposed by this act upon any such corporation of the Commonwealth the like obligation shall be imposed on similar corporations of such state doing business in this Commonwealth. The transaction of the business defined in this act by any corporation, association, partnership or individuals, unless organized, continuing or admitted as provided herein, is forbidden.

Annual report
to be made
to insurance
commissioner.

SECTION 14. Every corporation doing business under the foregoing provisions shall annually, on or before the first day of February in each year, report to the insurance commissioner the location of its principal office in this Commonwealth, and the names and addresses of its president, secretary and treasurer, or other officers answering thereto; and shall make under oath such statements of its membership and financial transactions for the year ending on the preceding thirty-first day of December, with other information relating thereto, as said commissioner may deem necessary to a proper exhibit of its business and standing; and the commissioner may at other times require any further sworn statement which he may deem necessary, relating to any such corporation. For good cause shown the commissioner may extend the time within which any annual statement may be filed, but not to a date later than the first day of March. It shall be the duty of the president, secretary and treasurer, or other officers having similar duties, to make out and transmit the above-named statements, and said officers shall be severally liable for neglect thereof.

Foreign corpo-
ration to ap-
point insurance
commissioner
its attorney,
etc.

SECTION 15. Every foreign corporation shall before doing business in this Commonwealth appoint in writing the insurance commissioner or his successor in office to be its true and lawful attorney, upon whom all lawful processes in any action or proceeding against it shall be served; and in such writing shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served on the corporation, and that the authority shall continue in force

so long as any liability remains outstanding against the corporation in this Commonwealth. A copy of the writing, duly certified and authenticated, shall be filed in the office of the commissioner, and copies certified by him shall be deemed sufficient evidence thereof. Service upon such attorney shall be made by leaving the same in his hands or office, and shall be deemed sufficient service upon the principal. When legal process against any such corporation is served upon the commissioner he shall immediately notify the corporation of such service by letter, prepaid and directed to its secretary; and shall, within two days after such service, forward in the same manner a copy of the process served on him to such secretary, or to any person previously designated by the corporation in writing. The plaintiff in each process so served shall pay to the commissioner at the time of such service a fee of two dollars, which shall be recovered by him as part of the taxable costs if he prevails in the suit. The commissioner shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made. Every corporation organized or transacting business under or as defined in this act shall within three months after the adoption by it of an amendment to its by-laws file with the insurance commissioner a copy thereof.

Corporation to be notified by commissioner when process has been served, etc.

SECTION 16. No corporation organized or transacting business under this act shall employ paid agents in soliciting or procuring business, except that corporations transacting business as fraternal societies on the lodge system, or which limits its certificate holders to a particular order or fraternity, may employ organizers in the preliminary organization of local branches, and members, as officers or deputies, to assist members of weak and inactive local branches to increase their membership, provided that their compensation does not depend upon and is not affected by such increase. Any person who shall solicit membership for, or in any manner assist in procuring membership in, or aid in the transaction of business for, any corporation or organization not authorized to do business in this Commonwealth, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section twenty-one of this act.

Corporations not to employ paid agents in soliciting business, except, etc.

Penalty for soliciting membership in unauthorized corporations, etc.

SECTION 17. The money or other benefit to be paid by any corporation authorized to do business under this act shall not be liable to attachment by trustee or other

Benefit funds not liable to attachment.

process, and shall not be seized, taken, appropriated or applied by any legal or equitable process, or by operation of law, to pay any debt or liability of a certificate holder, or any beneficiary named therein.

Penalty for making false statement, etc.

SECTION 18. Any solicitor, agent or examining physician who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for membership, or who shall make such false or fraudulent statement or representation for the purpose of obtaining any money or benefit in any corporation transacting business under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by fine of not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such corporation, for the purpose of procuring payment of a benefit named in the certificate of such holder, shall be guilty of perjury and shall be proceeded against and punished as provided by the laws of this Commonwealth in relation to the crime of perjury.

Injunction may issue in certain cases.

SECTION 19. When the insurance commissioner on investigation is satisfied that any corporation organized or conducting business under this act has exceeded its powers, or has failed to comply with any provisions of law, or has conducted business fraudulently, or that its condition is such as to render its further proceedings hazardous to the public or to its certificate holders, or in case any such corporation shall vote to discontinue its business, he shall report the facts to the attorney-general, who may thereupon apply to a justice of the supreme judicial or superior court for an injunction restraining such corporation in whole or in part from the further prosecution of business. Such justice may in his discretion issue an injunction forthwith, or upon notice and hearing thereon may issue such injunction or decree for the removal of any officer of said corporation, and substitute a suitable person to serve in his stead until a successor is chosen, and after a full hearing on the matter may dissolve or modify such injunction or make it perpetual, and make such further orders and decrees as the interests

of the corporation, the certificate holders and the public may require; and may appoint a receiver to take possession of the property and effects of the corporation and to settle its affairs, subject to such rules and orders as the court may from time to time prescribe according to the course of proceedings in equity. No such injunction shall issue, and no order, judgment or decree appointing a temporary or permanent receiver shall be made or granted, otherwise than upon the application of the attorney-general, on his own motion, or at the relation of said insurance commissioner, whether the state or a member, or other party seeks relief.

Receiver may be appointed, etc.

SECTION 20. Any fraternal beneficiary corporation existing under the laws of this Commonwealth, and now engaged in transacting business as herein defined, may re-incorporate under the provisions of this act: *provided*, that nothing in this act shall be construed as requiring or making it obligatory upon any such corporation to re-incorporate; and any such corporation may continue to exercise all rights, powers and privileges conferred by this act or its articles of incorporation not inconsistent herewith, and shall be subject to the requirements and penalties of this act the same as if re-incorporated hereunder. No charter granted under the provisions of this act shall continue valid after one year from the date of such charter unless the organization has been completed and business begun thereunder. The charter of any corporation subject to the provisions of this act, and any charter hereafter granted under this act, shall become invalid and of no force if no business thereunder is transacted for a period of twelve months.

Existing corporations may re-incorporate, etc.

Proviso.

SECTION 21. Any such corporation, association or society transacting business in this Commonwealth, and any agent or officer of such corporation, association or society neglecting to comply with or violating any provision of this act, shall be punished by fine of not less than fifty nor more than two hundred dollars, or by imprisonment in a jail or house of correction for not less than three months nor more than two years, or by both such fine and imprisonment, in the discretion of the court.

Penalty for violation of provisions, etc.

SECTION 22. The provisions of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four shall not apply to corporations organized

1894, 522, not to apply.

or admitted under and transacting business in conformity to this act.

Provisions the same as of existing laws to be construed as a continuation, etc.

SECTION 23. The provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments; and the repeal by this act of any provision of law shall not affect any act done, liability incurred, or any right accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted, to enforce any right or penalty or punish any offence under the authority of the repealed laws; and any person who at the time when said repeal takes effect holds office under any of the laws repealed shall continue to hold such office according to the tenure thereof, unless such office is abolished or a different provision is herein made.

Repeal.

SECTION 24. Chapter two hundred and eighty-one of the acts of the year eighteen hundred and ninety-five and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved May 27, 1898.

Chap. 475 AN ACT RELATIVE TO THE COMPLETION OF THE PUBLIC LIBRARY BUILDING IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Certain sum may be expended on Central Public Library building, etc.

SECTION 1. The Trustees of the Public Library of the City of Boston may expend not exceeding one hundred thousand dollars upon the Central Public Library building of said city on Copley square, and upon the fittings thereof.

City treasurer of Boston to issue bonds, etc.

SECTION 2. The city treasurer of said city shall from time to time, on the request of the mayor, issue bonds of said city to an amount not exceeding one hundred thousand dollars, outside of the limit of indebtedness fixed by law for said city. Said bonds shall be registered or with interest coupons attached, and shall be issued for such terms, not exceeding twenty years, and bear such rate of interest, not exceeding four per cent. per annum, as said treasurer and mayor shall determine; and said treasurer shall sell said bonds as so requested, deposit the proceeds thereof in the treasury of said city, and pay therefrom the expenses incurred by said trustees for the purposes aforesaid.

SECTION 3. This act shall take effect upon its passage.

Approved May 27, 1898.

AN ACT RELATIVE TO STATE HIGHWAYS.

Chap.476

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out all after the word "commission", in the seventh and eighth lines, and inserting in place thereof the words:—requesting that said road may be taken charge of by the Commonwealth,—so as to read as follows:—*Section 1.* Whenever the county commissioners of a county, or the mayor and aldermen of a city, or the selectmen of a town, adjudge that the public necessity and convenience require that the Commonwealth take charge of a new or an existing road as a highway, in whole or in part, in that county, city or town, they may apply by a petition in writing to the Massachusetts highway commission, requesting that said road may be taken charge of by the Commonwealth.

1894, 497, § 1,
amended.

Petition for the
taking of certain
roads as state
highways.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1898.

AN ACT TO AUTHORIZE THE APPOINTMENT OF A THIRD DEPUTY
BY THE CONTROLLER OF COUNTY ACCOUNTS.

Chap.477

Be it enacted, etc., as follows:

SECTION 1. The controller of county accounts may appoint, with the approval of the governor and council, and subject to removal with their consent, to assist him in the discharge of the duties of his office, a third deputy, with an annual salary of one thousand dollars; and said controller shall also be allowed the actual expenses of said deputy incurred in travelling in the discharge of his official duties. Said deputy shall have the same powers as other deputies of the controller.

Third deputy
may be ap-
pointed by con-
troller of county
accounts.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1898.

AN ACT TO ESTABLISH THE DISTRICT COURT OF NORTHERN NOR-
FOLK.

Chap.478

Be it enacted, etc., as follows:

SECTION 1. The towns of Dedham, Hyde Park, Dover, Norwood, Westwood, Medfield, Needham and Wellesley shall constitute a judicial district under the jurisdiction of

District court of
northern Nor-
folk estab-
lished.

a court to be called the district court of northern Norfolk. Said court shall be held in the town of Dedham.

Justices, etc.

SECTION 2. There shall be one justice, two special justices and a clerk of said court. The justice shall receive an annual salary of fifteen hundred dollars, and the clerk an annual salary of eight hundred dollars, to be paid by the county of Norfolk. All the provisions of law applicable to district courts shall apply to said court.

First session, etc.

SECTION 3. The first session of said court shall be held on the second day of July in the year eighteen hundred and ninety-eight, but nothing in this act shall affect any suit or other proceedings begun prior to said second day of July.

SECTION 4. This act shall take effect upon its passage.

Approved May 27, 1898.

Chap. 479 AN ACT RELATIVE TO THE PROMOTION OF ANATOMICAL SCIENCE.

Be it enacted, etc., as follows:

Bodies of certain persons may be used for the advancement of anatomical science.

SECTION 1. Upon the written application of the dean or other officer of any medical school established by law in this Commonwealth the overseers of the poor of a city or town, the trustees for children of the city of Boston, the pauper institution trustees of said city, the insane hospital trustees of said city, the penal institution commissioner of said city, the trustees and superintendent of the state almshouse, state farm, or other public institution supported in whole or in part at the public expense, except the soldiers' home in Chelsea, shall in accordance with the provisions of this act give such dean or other officer permission to take the bodies of such persons dying in such town, city, city institution, state almshouse, state farm or public institution, as are required to be buried at the public expense, within three days of their death, to be used within the state for the advancement of anatomical science: *provided*, that such permission shall not be given to take the body of any soldier or sailor, known to be such, who has served in the war of the rebellion or in the war between the United States and Spain. In giving such permission regard shall be had to preserving as far as practicable a fair proportion between the number of students in attendance at such institutions and the number of such bodies delivered to them respectively.

Proviso.

SECTION 2. Such dean or other officer before receiving any such dead body shall give to the board or officer surrendering the same to him a sufficient bond that such body thus received by him shall be used only for the promotion of anatomical science within this Commonwealth, and in such manner as in no event to outrage the public feeling, and that, after having been so used, the remains shall be decently buried, and further that it shall not be so used until the expiration of fourteen days from the date of the death of such deceased person, and further that such body shall during said fourteen days be kept in such condition and in such a place that it may be viewed by any person, at all reasonable times, for the purpose of identification.

Officer receiving body to give bond, etc.

SECTION 3. If the deceased person during his last sickness, of his own accord requests to be buried or requests that his body be delivered up to any friend, or if within fourteen days after the death of such deceased person any person claiming to be and satisfying the authorities that he is a friend or is of kindred to the deceased, asks to have the body buried or surrendered to himself, or if such deceased person was a stranger or traveller who suddenly died, the body shall not be given up as aforesaid to such dean or other officer, but shall in conformity with such request be either buried or delivered to such friend or kindred.

Certain bodies to be buried or delivered to friend, etc.

SECTION 4. So much of chapter eighty-one of the Public Statutes, chapter three hundred and ten of the acts of the year eighteen hundred and eighty-seven, and chapter one hundred and eighty-five of the acts of the year eighteen hundred and ninety-one, as is inconsistent with this act is hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved May 27, 1898.

AN ACT TO AUTHORIZE THE ERECTION AND MAINTENANCE OF DAMS ACROSS STREAMS NOT NAVIGABLE, FOR MAKING AND MAINTAINING ICE PONDS.

Chap. 480

Be it enacted, etc., as follows:

SECTION 1. Any owner or lessee of land used for an ice pond may erect and, between the first day of November and the first day of March, maintain a dam upon and across a stream not navigable, for the purpose of flowing adjoining land and making an ice pond, upon the terms

Dams may be erected across certain streams for making and maintaining ice ponds.

Proviso.

and conditions and subject to the regulations contained in chapter one hundred and ninety of the Public Statutes, so far as the same are properly applicable in such cases, and also subject to the condition that the party maintaining such dam shall annually pay to the owner of any land which may be overflowed or injured by such dam the amount of the tax which may be from time to time assessed on such land: *provided*, that such a dam shall not be erected without the permission of all of the owners of the land which would be flowed by the dam, unless the person or corporation proposing to erect the dam shall furnish to the owners of said land who do not consent to the erection of the dam, security satisfactory to them or approved by the judge of any court of record or by any officer authorized to approve bonds for the dissolution of attachments of real estate, for the payment of any damages which may be caused by flowing the lands of such owners.

SECTION 2. This act shall take effect upon its passage.

Approved May 28, 1898.

Chap. 481 AN ACT TO EXTEND THE OPERATION OF THE LAW RELATIVE TO THE WEEKLY PAYMENT OF WAGES.

Be it enacted, etc., as follows:

1895, 438, § 1,
etc., amended.

Law relative to
weekly pay-
ment of wages
to apply to con-
tractors, etc.

Word "corpo-
ration" defined.

SECTION 1. Section one of chapter four hundred and thirty-eight of the acts of the year eighteen hundred and ninety-five, as amended by chapter three hundred and thirty-four of the acts of the year eighteen hundred and ninety-six, is hereby amended by striking out the words "and having more than twenty-five employees", in the seventh and eighth lines, so as to read as follows: — *Section 1.* Sections fifty-one to fifty-four, inclusive, of chapter five hundred and eight of the acts of the year eighteen hundred and ninety-four, relative to the weekly payment of wages by corporations, shall apply to all contractors and to any person or partnership engaged in this Commonwealth in any manufacturing business. And the word "corporation", as used in said sections, shall include such contractors, persons and partnerships.

SECTION 2. This act shall take effect upon its passage.

Approved June 1, 1898.

AN ACT TO AUTHORIZE THE CITY OF HOLYOKE TO SUPPLY WATER OUTSIDE OF THE LIMITS OF SAID CITY. *Chap. 482*

Be it enacted, etc., as follows:

SECTION 1. The town of West Springfield, by its water commissioners, for the purpose of supplying its inhabitants with water for fire, domestic or other purposes, in addition to the powers already conferred upon it by chapter one hundred and thirty-eight of the acts of the year eighteen hundred and seventy-five and chapter two hundred and six of the acts of the year eighteen hundred and ninety-three, may contract with the city of Holyoke for a supply of water for the purposes hereinbefore named, upon such terms and for such periods of time as may be agreed upon by the water commissioners of said town and the water commissioners of said city. Said town may tap the pipe line of said city at any point within the limits of said town which the water commissioners of said town may select, and draw therefrom such supply of water as shall be agreed upon between the water commissioners of said town and the water commissioners of said city.

Town of West Springfield may contract with the city of Holyoke for a supply of water, etc.

SECTION 2. Said city may take water from the sources mentioned in chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-six, for the additional purpose of enabling said city to supply said town of West Springfield, and the inhabitants of the town of Westfield as hereinafter provided, with water in accordance with the provisions of this act; and said city may sell to the town of West Springfield and to the inhabitants of the town of Westfield such a supply of water as shall be agreed upon by the water commissioners of said towns and the water commissioners of said city.

City may take water from certain sources for supplying towns of West Springfield and Westfield, etc.

SECTION 3. The town of West Springfield may take and hold, by purchase or otherwise, all lands, rights of way and easements necessary for conveying the said supply of water to any and all parts of said town; and may make excavations and provide such means and appliances as may be necessary for the purposes hereinbefore set forth; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the

Town of West Springfield may take certain lands, rights of way, etc.

May lay conduits, pipes, etc.

May dig up
lands, ways, etc.

same ; and for the purpose of constructing, maintaining and repairing the same, and for all proper purposes of this act, said town may dig up any lands, and, under the direction of the board of selectmen of said town, may enter upon and dig up any such ways, in such manner as to cause the least hindrance to public travel on such ways.

Description of
lands, etc., to
be recorded.

SECTION 4. The town of West Springfield shall, within sixty days after the taking of any such lands, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Hampden a description of said lands, rights of way and easements, sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners of said town.

Damages.

SECTION 5. The town of West Springfield shall be liable to pay all damages sustained by persons or corporations in their property by the taking of any lands, rights of way or easements, or by the construction of pipes, conduits or other works, or by the doing of any other thing necessary to carry out the provisions of this act, so far as the same relate to said town. Any person or corporation sustaining damages as aforesaid, who cannot agree with said town upon the amount of such damages, may have the same assessed and determined in the manner provided in section four of chapter two hundred and six of the acts of the year eighteen hundred and ninety-three.

City of Holyoke
may supply
water to certain
persons, etc.,
in Westfield.

SECTION 6. The city of Holyoke, by its water commissioners, may also supply water from the sources aforesaid for fire, domestic and other purposes, to persons and corporations owning or occupying lands in the town of Westfield within twelve hundred feet of the pipe line conducting said water supply ; such water to be so supplied in such quantities and for such periods of time as shall be agreed upon by the water commissioners of said town and the water commissioners of said city.

1896, 419, to
apply.

SECTION 7. The provisions of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-six shall apply to this act so far as the same are not inconsistent herewith.

SECTION 8. This act shall take effect upon its passage.

Approved June 2, 1898.

AN ACT TO DEFINE THE POWERS OF A SPECIAL DISTRICT POLICE OFFICER. *Chap. 483*

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter three hundred and ten of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out all of said section after the word "chapter", in the fourth line, and inserting in place thereof the words:—two hundred and seventy of the acts of the year eighteen hundred and eighty-two, chapter three hundred and nine of the acts of the year eighteen hundred and eighty-nine and chapter three hundred and eighteen of the acts of the year eighteen hundred and ninety-two, and of acts in amendment thereof; and shall under the direction of said board enforce the provisions of said acts for the protection of infants,—so as to read as follows:—*Section 2.* Such special district police officer shall have and exercise throughout the Commonwealth all the powers of a district police officer in all cases arising under the provisions of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-two, chapter three hundred and nine of the acts of the year eighteen hundred and eighty-nine and chapter three hundred and eighteen of the acts of the year eighteen hundred and ninety-two, and of acts in amendment thereof; and shall under the direction of said board enforce the provisions of said acts for the protection of infants.

1895, 310, § 2,
amended.

Powers of
special district
police officer.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1898.

AN ACT TO AUTHORIZE THE HOLYHOOD CEMETERY ASSOCIATION TO HOLD AND CONVEY CERTAIN REAL ESTATE. *Chap. 484*

Be it enacted, etc., as follows:

The deed of land to the Holyhood Cemetery Association, from Eneas Smith, dated the first day of April in the year eighteen hundred and seventy-two, and recorded with Norfolk registry of deeds in book four hundred and twenty-one, folio two hundred and thirty-eight; and also the deed of land to Holyhood Cemetery Association from Joseph M. Finotti, dated the first day of March in the year eighteen hundred and seventy-two, and recorded with Norfolk registry of deeds in book four hundred and

Holyhood
Cemetery Asso-
ciation may
hold and convey
certain real
estate.

twenty-one, folio fifty-three, shall not be deemed invalid because the corporate powers of said Holyhood Cemetery Association did not authorize it to receive or hold said land. And the corporate powers of said Holyhood Cemetery Association are hereby so far enlarged as to authorize it to hold and convey said land.

Approved June 2, 1898.

Chap.485

AN ACT RELATIVE TO LIMITED PARTNERSHIPS.

Be it enacted, etc., as follows :

P. S. 75, § 6,
amended.

Section six of chapter seventy-five of the Public Statutes is hereby amended by adding at the end thereof the words : — Within sixty days after the filing of said certificate an affidavit of one of said partners setting forth the newspaper in which and the dates upon which the copy of said certificate was published shall be filed in the office of the secretary of the Commonwealth and recorded as provided in the preceding section, — so as to read as follows : — *Section 6.* A copy of such certificate shall, immediately after such filing, be published once a week for six successive weeks in a newspaper published in the county where the principal place of business of the partnership is situated, or, if no such paper is there published, then in a newspaper published in the city of Boston. Within sixty days after the filing of said certificate an affidavit of one of said partners setting forth the newspaper in which and the dates upon which the copy of said certificate was published shall be filed in the office of the secretary of the Commonwealth and recorded as provided in the preceding section.

Limited partnership, copy of certificate to be published.

Affidavit to be filed with secretary of the Commonwealth.

Approved June 2, 1898.

Chap.486

AN ACT RELATIVE TO THE LICENSING OF PRIVATE DETECTIVES.

Be it enacted, etc., as follows :

P. S. 103, § 7,
amended.

SECTION 1. Section seven of chapter one hundred and three of the Public Statutes is hereby amended by striking out the words “ police commissioners of”, in the first line, and inserting in place thereof the words : — board of police for, — and by striking out the word “ twenty”, in the second line, and inserting in place thereof the word : — twelve, — so as to read as follows : — *Section 7.* The board of police for the city of Boston, and the mayor and

Licensing of private detectives.

aldermen of a city of twelve thousand inhabitants or upwards, may license any citizen of their respective cities to act as a private detective, for the detection, prevention, and punishment of crime, for the term of one year, unless his license is sooner revoked for cause. The fee for such license shall be ten dollars, to be paid into the city treasury; and each person so licensed shall give to the city treasurer a bond with two sureties, approved by the board giving such license, in the sum of three thousand dollars, with condition for the proper discharge of the services which he may perform by virtue of such license; but nothing herein contained shall be construed to confer on a person so licensed any of the power or authority of constables or police officers.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1898.

AN ACT RELATIVE TO LIBELS FOR DIVORCE.

Chap. 487

Be it enacted, etc., as follows:

SECTION 1. Section ten of chapter one hundred and forty-six of the Public Statutes, as amended by chapter three hundred and seventy of the acts of the year eighteen hundred and ninety, is hereby amended by striking out the words "and where the adverse party does not appear, or is defaulted", in the sixth and seventh lines, and by striking out the words "in the discretion of the court be allowed to", in the eighth and ninth lines, so as to read as follows:—*Section 10.* When the adverse party does not appear, and the notice of the pendency of the libel is considered by the court to be defective or insufficient, it may order such further notice as it may consider proper. In all libels for divorce where the cause alleged is adultery, the person alleged to be particeps criminis with the libellee may appear and contest the libel.

P. S. 146, § 10,
etc., amended.

Libels for
divorce.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1898.

AN ACT RELATIVE TO PRACTICE IN MUNICIPAL, POLICE AND DISTRICT COURTS.

Chap. 488

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and thirty-one of the acts of the year eighteen hundred and

1897, 431, § 1,
amended.

ninety-seven is hereby amended by striking out the words “but no such business shall be transacted on Sunday, except only such business as shall, in the opinion of the justice of the court to whom application may be made, be of pressing necessity”, and by inserting in place thereof the words:—except as provided by section four of chapter one hundred and sixty of the Public Statutes and by acts in amendment thereof and in addition thereto,—and by adding at the end thereof the words:—except when a legal holiday occurs on Friday, and then at ten o'clock in the forenoon of the previous day, and except as hereinafter specially provided, to wit:—Said courts may, in proceedings brought under chapter one hundred and seventy-five of the Public Statutes, establish by rule the time for the entry of judgments, when said proceedings are ripe therefor, and said courts may at any time in any case ripe for judgment, upon notice and motion, order judgment to be entered,—so as to read as follows:—*Section 1.* The municipal, police and district courts of the Commonwealth shall always be open for the transaction of civil business, except as provided by section four of chapter one hundred and sixty of the Public Statutes and by acts in amendment thereof and in addition thereto. The time for the entry of judgment in all civil actions and proceedings ripe for judgment in said courts respectively shall be ten o'clock in the forenoon on Friday of each week, except when a legal holiday occurs on Friday, and then at ten o'clock in the forenoon of the previous day, and except as hereinafter specially provided, to wit:—Said courts may, in proceedings brought under chapter one hundred and seventy-five of the Public Statutes, establish by rule the time for the entry of judgments, when said proceedings are ripe therefor, and said courts may at any time in any case ripe for judgment, upon notice and motion, order judgment to be entered.

Transaction of
civil business in
certain courts,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1898.

Chap. 489 AN ACT RELATIVE TO THE ISSUING OF EXECUTIONS IN SUITS
FOUNDED ON A JUDGMENT PREVIOUSLY RENDERED.

Be it enacted, etc., as follows:

Issuing of cer-
tain executions.

When a judgment from which no appeal has been taken has been rendered for the plaintiff by the supreme judicial court, the superior court or by any municipal,

police or district court or trial justice in this Commonwealth, in a suit founded on a judgment previously rendered by any of the aforesaid courts or by a trial justice, execution shall issue for the plaintiff in the manner now provided by law in civil actions, upon his filing with the clerk of the court or the trial justice rendering the judgment in the latter suit, a transcript of the record of the judgment in the former suit, under the seal of the court or justice rendering the same, attested by the clerk of such court or by such justice: *provided*, that this section shall not apply to cases where both judgments were rendered by the same court or justice.

Approved June 2, 1898.

AN ACT RELATIVE TO THE ABUSE OF CORPORATE POWERS.

Chap. 490

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and twenty-nine of chapter twenty-seven of the Public Statutes is hereby amended by striking out the whole of said section and inserting in place thereof the following:— *Section 129.* When a city or town or any of its officers or agents are about to raise or expend money or incur obligations purporting to bind said city or town for any purpose or object or in any manner other than those for and in which such city or town has the legal and constitutional right and power to raise or expend money or incur obligations the supreme judicial court or the superior court may, upon the suit or petition of not less than ten taxable inhabitants thereof, briefly setting forth the cause of complaint, hear and determine the same in equity. Any justice of either of said courts may in term time or vacation issue injunctions and make such orders and decrees as may be necessary or proper to restrain or prevent a violation or abuse of such legal right and power of such city or town, before the final determination of the cause by said court.

P. S. 27, § 129, amended.

Abuse of corporate powers by cities and towns.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1898.

AN ACT RELATIVE TO THE STATIONS OF THE NEW ENGLAND RAILROAD COMPANY IN THE TOWN OF NORWOOD.

Chap. 491

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and eleven of the acts of the year eighteen hundred and ninety-one, being

1891, 211, repealed, etc.

“An Act in relation to certain stations of the New York and New England Railroad in Norwood”, is hereby repealed, and all orders of the board of railroad commissioners thereunder are hereby annulled.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1898.

Chap.492 AN ACT MAKING AN APPROPRIATION FOR CURRENT EXPENSES AT THE MASSACHUSETTS HOSPITAL FOR CONSUMPTIVES AND TUBERCULAR PATIENTS.

Be it enacted, etc., as follows:

Massachusetts hospital for consumptives and tubercular patients.

SECTION 1. A sum not exceeding twenty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of meeting the current expenses at the Massachusetts hospital for consumptives and tubercular patients during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1898.

Chap.493 AN ACT RELATIVE TO AWARDED STATE SCHOLARSHIPS IN THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY AND IN THE WORCESTER POLYTECHNIC INSTITUTE.

Be it enacted, etc., as follows:

Certain free state scholarships may be divided, etc.

SECTION 1. The state board of education may in its discretion award that any free scholarship which either the Massachusetts Institute of Technology or the Worcester Polytechnic Institute is required to maintain under the provisions, respectively, of chapters three hundred and ten and four hundred and seven of the acts of the year eighteen hundred and ninety-six, shall be divided between two pupils. The scholarships so divided shall be called half scholarships; and neither of said institutions shall require from any pupil to whom a half scholarship has been awarded payment of more than one half of the regular charge or fee for tuition paid by pupils not holding scholarships.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1898.

AN ACT TO REGULATE THE EMPLOYMENT OF LABOR.

Chap. 494

Be it enacted, etc., as follows:

SECTION 1. No child under fourteen years of age shall be employed in any factory, workshop or mercantile establishment. No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the town or city in which he resides are in session, nor be employed at any work before the hour of six o'clock in the morning or after the hour of seven o'clock in the evening.

Employment of children under fourteen years of age regulated.

SECTION 2. No child under sixteen years of age shall be employed in any factory, workshop or mercantile establishment unless the person or corporation employing him procures and keeps on file and accessible to the truant officers of the town or city, and to the district police and inspectors of factories, an age and schooling certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed, and also keeps on file a complete list, and sends to the superintendent of schools, or, where there is no superintendent, to the school committee, the names of all minors employed therein who cannot read at sight and write legibly simple sentences in the English language.

Employment of children under sixteen years of age regulated.

SECTION 3. An age and schooling certificate shall be approved only by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized by the school committee: *provided*, that no member of a school committee or other person authorized as aforesaid shall have authority to approve such certificate for any child then in or about to enter his own employment, or the employment of a firm or corporation of which he is a member, officer or employee. The person approving the certificate shall have authority to administer the oath provided for therein, but no fee shall be charged therefor.

Approval of age and schooling certificate.

SECTION 4. An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism of such child, the register of birth of such child with a

Certain evidence to be furnished before certificate is approved.

town or city clerk, or in some other manner, that such child is of the age stated in the certificate.

Employment tickets to be filled out, etc., before age and schooling certificate can be approved.

SECTION 5. The age and schooling certificate of a child under sixteen years of age shall not be approved and signed until he presents to the person authorized to approve and sign the same an employment ticket as hereinafter prescribed, duly filled out and signed. A duplicate of each age and schooling certificate shall be filled out and shall be kept on file by the school committee. Any explanatory matter may be printed with such certificate in the discretion of the school committee or superintendent of schools. The employment ticket and the age and schooling certificate shall be separately printed, and shall be filled out, signed, and held or surrendered, as indicated in the following forms: —

EMPLOYMENT TICKET, LAWS OF 1898.

Form of employment ticket.

When [name of child] , height [feet and inches] , complexion [fair or dark], hair [color] , presents an age and schooling certificate duly signed, I intend to employ [him or her].

(Signature of intending employer or agent.)

(Town or city and date.)

AGE AND SCHOOLING CERTIFICATE, LAWS OF 1898.

Form of age and schooling certificate.

This certifies that I am the [father, mother, guardian or custodian] of [name of child] , and that [he or she] was born at [name of town or city] , in the county of [name of county, if known] , and state [or country] of , on the [day and year of birth] , and is now [number of years and months] old.

(Signature of father, mother, guardian or custodian.)

(Town or city and date.)

Then personally appeared before me the above-named [name of person signing] , and made oath that the foregoing certificate by [him or her] signed is true to the best of [his or her] knowledge and belief. I hereby approve the foregoing certificate of [name of child] , height [feet and inches] , complexion [fair or dark], hair [color] , having no sufficient reason to doubt that [he or she] is of the age therein certified. I hereby certify that [he or she] [can or cannot] read at sight and [can or cannot] write legibly simple sentences in the English language.

This certificate belongs to [name of child in whose behalf it is drawn] , and is to be surrendered to [him or her] whenever [he or she] leaves the service of the corporation or employer holding the same; but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools, or, where there is no superintendent of schools, to the school committee.

(Signature of person authorized to approve and sign, with official character or authority.)

(Town or city and date.)

In the case of a child who cannot read at sight and write legibly simple sentences in the English language the certificate shall continue as follows, after the word "language": —

I hereby certify that [he or she] is regularly attending the [name] public evening school. This certificate shall continue in force only so long as the regular attendance of said child at the evening school is endorsed weekly by a teacher thereof.

SECTION 6. Whoever employs a child under sixteen years of age, and whoever having under his control a child under such age permits such child to be employed, in violation of section one or two of this act, shall for such offence be fined not more than fifty dollars; and whoever continues to employ any child in violation of either of said sections of this act after being notified by a truant officer or an inspector of factories thereof, shall for every day thereafter that such employment continues be fined not less than five nor more than twenty dollars. A failure to produce to a truant officer or inspector of factories any age and schooling certificate or list required by this act shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. Any corporation or employer retaining any age and schooling certificate in violation of section five of this act shall be fined ten dollars. Every person authorized to sign the certificate prescribed by section five of this act who knowingly certifies to any materially false statement therein shall be fined not more than fifty dollars. Penalties.

SECTION 7. No person shall employ any minor over fourteen years of age, and no parent, guardian or custodian shall permit to be employed any such minor under his control, who cannot read at sight and write legibly simple sentences in the English language, while a public evening school is maintained in the town or city in which such minor resides, unless such minor is a regular attendant at such evening school or at a day school: *provided*, that upon presentation by such minor of a certificate signed by a regular practising physician, and satisfactory to the superintendent of schools, or, where there is no superintendent of schools, the school committee, showing that the physical condition of such minor would render such attendance in addition to daily labor prejudicial to his health, said superintendent of schools or school committee shall issue a permit authorizing the employment of such minor for such period as said superintendent of schools or school committee may determine. Employment of certain minors regulated.

Proviso.

Penalties.

Said superintendent of schools or school committee, or teachers acting under authority thereof, may excuse any absence from such evening school arising from justifiable cause. Any person who employs a minor in violation of the provisions of this section shall forfeit for each offence not more than one hundred dollars for the use of the evening schools of such town or city. Any parent, guardian or custodian who permits to be employed any minor under his control in violation of the provisions of this section shall forfeit not more than twenty dollars for the use of the evening schools of such town or city.

Truant officers may visit factories, etc.; to report illegal employment of minors.

SECTION 8. Truant officers may visit the factories, workshops and mercantile establishments in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the school committee and to the chief of the district police, or to the inspector of factories for the district. Inspectors of factories and truant officers may require that the age and schooling certificates and lists provided for in this act, of minors employed in such factories, workshops or mercantile establishments, shall be produced for their inspection. Complaints for offences under this act shall be brought by inspectors of factories.

Inspectors and truant officers may require the production of schooling certificates, etc.

Repeal.

SECTION 9. Sections thirteen, fourteen, sixteen to twenty-five inclusive, sixty-seven, sixty-nine and seventy of chapter five hundred and eight of the acts of the year eighteen hundred and ninety-four, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

To take effect September 1, 1898.

SECTION 10. This act shall take effect on the first day of September in the year eighteen hundred and ninety-eight.

Approved June 2, 1898.

Chap. 495 AN ACT TO AUTHORIZE THE CITIES OF EVERETT AND MALDEN TO MAKE CERTAIN CONTRACTS RELATIVE TO SEWAGE DISPOSAL AND WATER SUPPLY.

Be it enacted, etc., as follows:

Water supply and disposal of sewage in cities of Everett and Malden.

SECTION 1. The city of Everett and the city of Malden are hereby authorized and empowered to enter into contracts with each other, upon such terms as may be mutually agreed upon, for the disposal of the sewage

of the respective cities and for the supplying of water to their inhabitants.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1898.

AN ACT RELATIVE TO SCHOOL ATTENDANCE AND TRUANCY.

Chap. 496

Be it enacted, etc., as follows:

SECTION 1. Every town and city shall maintain for at least thirty-two weeks in the year a sufficient number of schools for the instruction of all the children who may legally attend a public school therein. Such schools shall be taught by teachers of competent ability and good morals, and shall give instruction in orthography, reading, writing, the English language and grammar, geography, arithmetic, drawing, the history of the United States, physiology and hygiene, including special instruction as to the effect of alcoholic drinks and of stimulants and narcotics on the human system, and good behavior. Bookkeeping, algebra, geometry, one or more foreign languages, the elements of the natural sciences, kindergarten training, manual training, agriculture, sewing, cooking, vocal music, physical training, civil government, ethics and such other subjects as the school committee deem expedient, may be taught in the public schools.

Instruction
in the public
schools.

SECTION 2. Every city and every town of five hundred families or householders according to the latest public census taken by the authority either of the Commonwealth or of the United States shall, and any other town may, maintain a high school, adequately equipped, to be kept by a principal and such assistants as may be needed, of competent ability and good morals, who shall give instruction in such subjects designated in section one as it may be deemed expedient to teach in the high school, and in such additional subjects as may be required for the general purpose of training and culture, as well as for the special purpose of preparing pupils for admission to state normal schools, technical schools and colleges. Such high school shall maintain one or more courses of study, at least four years in length, and shall be kept for the benefit of all the inhabitants of the town or city, forty weeks at least, exclusive of vacations, in each year. A town may if it chooses meet only a portion of the fore-

Maintenance of
high schools by
cities and
towns.

Proviso.

going requirements in its own high school: *provided*, that it shall make adequate provisions for meeting the rest of said requirements in the high school of another town or any city.

Tuition of children residing in towns having no high school, etc.

SECTION 3. Any town of less than five hundred families or householders in which a public high school or a school of corresponding grade is not maintained shall pay for the tuition of any child who resides in said town and who attends the high school of another town or city, provided the approval of such attendance by the school committee of the town in which the child resides is first obtained. If any town in which a public high school or a school of corresponding grade is not maintained neglects or refuses to pay for tuition as provided in this section such town shall be liable therefor to the parent or guardian of the child furnished with such tuition, if the parent or guardian has paid for the same, and otherwise to the town or city furnishing the same, in an action of contract. No member of the school committee of a town in which a public high school or a school of corresponding grade is not maintained shall refuse to approve the attendance of any child residing in such town in the high school of some other town or city if such child has completed the course of instruction provided by the former town, and, in the opinion of the superintendent of schools or the school committee of said former town, is properly qualified to enter such high school. If the school committee of such town refuses to grant such approval such town shall be liable for the tuition of such child, in the same manner and to the same extent as if the parent or guardian of such child had obtained the approval of the school committee. Any town not maintaining a public high school or a school of corresponding grade, but affording high school instruction by sending pupils to other towns, may pay the necessary transportation expenses of such pupils. Any town the valuation of which does not exceed five hundred thousand dollars shall be entitled to receive from the treasury of the Commonwealth all necessary sums which have been actually expended for high school tuition under the provisions of this section, provided such expenditure shall be certified under oath to the state board of education by the school committee of such town within thirty days from the date of such expenditure, and provided such

Transportation of pupils.

Certain towns to be reimbursed from the treasury of the Commonwealth.

high school shall have been approved by the state board of education.

SECTION 4. Every town and city of twenty thousand or more inhabitants shall maintain as part of both its elementary and its high school system the teaching of manual training.

Manual training to be taught in certain cities and towns.

SECTION 5. Any town or city may, and every town and city of ten thousand or more inhabitants shall, maintain annually evening schools for the instruction of persons over fourteen years of age, in orthography, reading, writing, the English language and grammar, geography, arithmetic, industrial drawing, both free-hand and mechanical, the history of the United States, physiology and hygiene and good behavior. Such other subjects may be taught in such schools as the school committee deem expedient.

Maintenance of evening schools by cities and towns.

SECTION 6. Every city of fifty thousand or more inhabitants shall maintain annually an evening high school, in which shall be taught such subjects as the school committee thereof deem expedient, whenever fifty or more residents fourteen years of age or over who are competent in the opinion of the school committee to pursue high school studies shall petition in writing for an evening high school, and certify that they desire to attend such school. The committee shall determine the number of weeks in each year and the hours of the evening during which such schools shall be kept.

Evening high schools to be maintained by certain cities.

SECTION 7. Every child shall have the right to attend the public schools in the town or city in which his parent or guardian has a legal residence, or in which the child himself actually resides, subject to such reasonable regulations as to the numbers and qualifications of pupils to be admitted to the respective schools, and as to other school matters, as the school committee shall from time to time prescribe. No child shall be excluded from a public school of any town or city on account of race, color or religion.

Right of children to attend public schools.

SECTION 8. When a child for the sole purpose of attending school there resides in a town or city other than that of the legal residence of his parent or guardian, the parent or guardian of such child shall be liable to pay said town or city for the tuition of such child while attending school in said town or city a sum equal to the average expense of such school per pupil during the year

Payment for tuition of certain children.

Payment for
tuition of cer-
tain children.

next preceding, for a period equal to the time during which the child so attends, unless the town or city where the parent or guardian resides is required by section three of this act to pay for said tuition. For the tuition in the public schools in any town or city of any child between the ages of five and fifteen years who shall be placed elsewhere than in his own home by the state board of lunacy and charity, or by the trustees of the Lyman and industrial schools, or kept under the control of either of said boards in said town or city, the Commonwealth shall pay to said town or city, and for such tuition of any such child so placed by the trustees for children of the city of Boston, or so kept under the control of said trustees, the city of Boston from its appropriation for school purposes shall pay to said town or city the sum of fifty cents for each week of five days, or major part thereof, of attendance of every such child in the public schools. For the transportation to and from a public school of any child whose tuition is payable by the Commonwealth or by the city of Boston under the provisions of this section the Commonwealth or the city of Boston, as the case may be, shall pay to the town or city furnishing such transportation, for each week of five days or major part thereof, a sum equal to the average amount per child paid by said town or city per week for the transportation of children to and from school over the route by which such child is conveyed. Settlements of the accounts of the several towns and cities with the Commonwealth and with the city of Boston under this act shall be made annually on the first day of April, and the amounts found due shall be paid within three months thereafter. The money received by said towns and cities under the provisions of this section shall be applied to the support of schools. For the tuition in the public schools in any town of less than ten thousand inhabitants of any child between the ages of five and fifteen years not theretofore resident in such town, who is an inmate of an institution containing more than six inmates, said town may recover from said institution the extra school expense incurred, as may be determined jointly by the school committee of said town and the trustees or managers of said institution, or, in case of disagreement between said school committee and said trustees or managers, as may be decreed by the probate court: *provided*, that no demand

Proviso.

shall be made upon said trustees or managers without a special vote of the town instructing the school committee to that effect.

SECTION 9. The parent, guardian or custodian of any child who is refused admission to or excluded from the public schools shall on application therefor be furnished by the school committee with a statement in writing of the grounds and reasons for the exclusion; and after a statement has been so furnished a child thus refused admission to or excluded from said schools may, by his guardian or next friend, bring an action of tort and recover damages for any unlawful exclusion, against said town or city, and may by interrogatories filed in the case examine any member of the school committee or any other officer of the defendant town or city, as if he were a party to the suit.

Exclusion of children from schools.

SECTION 10. Any child, with the consent first obtained of the school committee of the town or city in which such child resides, may attend, at the expense of said town or city, the public schools of another town or city, upon such terms as may be satisfactory to the school committees of the towns or cities in interest.

Attendance in town or city other than that of residence.

SECTION 11. No child who has not been duly vaccinated shall be admitted to a public school except upon presentation of a certificate signed by a regular practising physician that such child is an unfit subject for vaccination. No child who is a member of a household in which a person is sick with smallpox, diphtheria, scarlet fever or measles, or of a household exposed to contagion from a household as aforesaid, shall attend any public school during such sickness or until the teacher of the school has been furnished with a certificate from the board of health of the town or city, or from the attending physician of such sick person, stating in a case of smallpox, diphtheria or scarlet fever, that a period of at least two weeks, and in a case of measles a period of at least three days, has elapsed since the recovery, removal or death of such person, and that danger of the conveying of such disease by such child has passed.

Certain children not to be admitted to public schools until vaccinated.

Attendance of children exposed to contagious diseases regulated.

SECTION 12. Every child between seven and fourteen years of age shall attend some public day school in the town or city in which he resides during the entire time the public day schools are in session, subject to such exceptions as to children, places of attendance and schools

Certain children required to attend school.

Provisos.

as are provided for in sections three, seven, ten and eleven of this act: *provided*, that the superintendent of schools or, where there is no superintendent of schools, the school committee, or teachers acting under authority of said superintendent of schools or school committee, may excuse cases of necessary absence; and *provided*, *further*, that the attendance of a child upon a public day school shall not be required if such child has attended for a like period of time a private day school approved by the school committee of such town or city in accordance with section two of chapter four hundred and ninety-eight of the acts of the year eighteen hundred and ninety-four, or if such child has been otherwise instructed for a like period of time in the branches of learning required by law to be taught in the public schools, or has already acquired the branches of learning required by law to be taught in the public schools, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable. Every person having under his control a child as described in this section shall cause such child to attend school as required by this section.

State board of education to prescribe certain forms; to report to legislature.

SECTION 13. The state board of education shall prescribe the form of census required by section sixteen of this act, of registers to be kept in the public schools, and of returns to be made by school committees; shall annually on or before the third Wednesday in January lay before the legislature a report containing a printed abstract of said returns and a detailed report of the doings of the board, with such observations upon the condition and efficiency of the system of popular education and such suggestions in regard to the most practicable means of improving and extending it, as the board may see fit to make.

Blanks, etc., to be sent to secretary of school committee of each city and town, etc.

SECTION 14. The secretary of the state board of education shall send forms for the census, the school registers for public schools, forms for the returns to be made by school committees, the annual report of the board, and his own annual report, as soon as may be after they are ready for distribution, to the secretary of the school committee of each town and city, and it shall be the duty of such secretary on receipt thereof to deliver the same to the several persons charged with the duties in connection therewith, and to send to the secretary of the state board of education a list of the private

schools in the town or city, together with the names of the principals of such schools.

SECTION 15. The secretary of every school committee who fails to receive, on or before the fifth day of April, blank forms of inquiry for school returns shall forthwith notify the secretary of the state board of education thereof, who shall thereupon transmit such forms to the secretary aforesaid.

In case of failure to receive blanks secretary of state board of education to be notified.

SECTION 16. The school committees of all towns and cities shall annually ascertain and record the names, ages and such other information as may be designated by the state board of education, of all persons between five and fifteen years of age, and of all minors over fourteen years of age who cannot read at sight and write legibly simple sentences in the English language, residing in their respective towns and cities on the first day of September, and such record shall be completed on or before the first day of October. The first census under the provisions of this section shall be taken in the year eighteen hundred and ninety-nine. Whoever has under his control a minor over five years of age and withholds information in his possession sought by a school committee or its agents relating to the items required to be ascertained by this section, or falsifies in regard to the same, shall forfeit and pay a fine of not more than fifty dollars.

Census of children to be taken annually.

Penalty for withholding information, etc.

SECTION 17. The chairman and the secretary of each school committee shall annually on or before the last day of April transmit to the secretary of the state board of education a certificate filled out, signed and sworn to by them as follows:— We, the chairman and the secretary of the school committee of _____ hereby certify that on the first day of _____ next preceding the date of this certificate, there were residing in said town (or city) the number of _____ persons between the ages of five and fifteen years, and the number of _____ persons between the ages of seven and fourteen years.

Certificate of number of children of school age in each city and town to be transmitted to secretary of state board of education.

We further certify that said town (or city) raised the sum of _____ dollars for the support of the public schools for the preceding year, including only the wages and board of teachers, the transportation of children, fuel for said schools, and the care of fires and schoolrooms; and maintained during said year each of the schools required to be kept by section one of the act relative to school attendance and truancy for a period of not less

Amount raised for support of public schools for the preceding year, etc.

than thirty-two weeks; and we further certify that said town (or city) maintained during said year school required by section two of said act, for a period of months and days.

*Chairman,
Secretary,
of the school committee.*

On this day of personally appeared the chairman and the secretary (above-named) of the school committee of , and made oath that the above certificate by them subscribed is true.

Before me,

Justice of the Peace.

School registers.

SECTION 18. School committees shall cause the school registers to be faithfully kept in all the public schools of their respective towns and cities, and shall annually, on or before the last day of April, make returns on the afore-said forms of inquiry to the secretary of the state board of education; and school committees of towns shall specify in said returns the purposes to which the money received by their respective towns from the income of the school fund has been appropriated; in such returns twenty days or forty half days of actual session shall be counted as one month.

Return of daily attendance to be made to the school committee, etc.

SECTION 19. The several school teachers shall faithfully keep the registers of attendance daily, and make due return thereof to the school committee or to such person as such committee may designate. No teacher of a public school shall receive payment for services for the two weeks preceding the close of any single term until the register, properly filled up and completed, is so returned. All registers shall be kept at the schools, and at all times during the school hours shall be open to the inspection of the school committee, the superintendent of schools, the truant officers, and the secretary and agents of the state board of education. In reckoning the average membership and the percentage of attendance in the schools no pupil's name shall be omitted in counting the number of persons belonging to the school and the number of absences of such persons, until it is known that such pupil has withdrawn from the school without intention of returning, or, in the absence of such knowledge, until ten consecutive days of absence have been

recorded; but nothing in this provision for computing the average membership and the percentage of attendance shall be construed to invalidate procedure against habitual truants, absentees or school offenders, or other persons, as provided in sections twenty-four to twenty-six inclusive and section thirty-one of this act. A pupil who is not present during at least half of a session shall be marked and counted as absent for that session.

SECTION 20. If a return is found to be irregular or incorrect the secretary of the state board of education shall forthwith return the same with a statement of all deficiencies therein to the school committee for correction, and said committee shall promptly correct and return the same.

Incorrect
returns.

SECTION 21. A town the report or returns of which do not reach the office of the secretary of the state board of education on or before the fifteenth day of May shall forfeit ten per cent. of the income of the school fund to which such town would otherwise have been entitled; if such report or returns fail to reach said office before the first day of June then the town's share of said income shall be retained by the treasurer of the Commonwealth; and any amount so retained shall be added to the principal of the school fund. Any town not entitled to a portion of the school fund, and any city, the report or returns of which fail to reach said office on or before the first day of June, shall forfeit to the school fund two hundred dollars.

Penalty in case
return is not
received on a
certain date,
etc.

SECTION 22. The county commissioners of each county, the counties of Barnstable, Berkshire, Dukes County and Nantucket excepted, shall establish and maintain either separately or conjointly with the commissioners of other counties as hereinafter provided, in a suitable place, not at or near a penal institution, a truant school for the instruction and training of persons committed thereto as habitual truants, absentees or school offenders. The county commissioners of two or more counties may at the expense of said counties establish and maintain a union truant school, to be organized and controlled by the chairmen of the county commissioners of said counties. The county commissioners of each of the counties excepted as aforesaid shall assign a truant school established by law as the place for the instruction and training of persons committed within their respective counties as

Maintenance of
truant schools,
etc.

habitual truants, absentees or school offenders, and shall pay for their support in said school such reasonable sum as the county commissioners having control of said school may determine. For the purposes of this act the parental school of the city of Boston, established under chapter two hundred and eighty-two of the acts of the year eighteen hundred and eighty-six and acts in amendment thereof and in addition thereto, shall be deemed the county truant school of the county of Suffolk, and the towns of Revere and Winthrop and the city of Chelsea shall for this purpose be considered as located within the county of Middlesex. When an habitual truant, absentee or school offender is committed under this act to a county truant school the town or city from which such child is committed shall pay to the county within which such town or city is located one dollar a week towards his support in said school: *provided*, that the towns of Revere and Winthrop and the city of Chelsea shall pay to the county of Middlesex for the support of each child committed to the truant school of said county two dollars and fifty cents per week, and such additional sums for each child as shall cover the actual cost of maintenance.

Proviso.

County truant schools subject to visitation.

SECTION 23. County truant schools shall be subject to visitation by the state board of education and by the state board of lunacy and charity; and said boards shall report thereon annually to the legislature.

Commitment of habitual truants.

SECTION 24. Every habitual truant, that is, every child between seven and fourteen years of age who wilfully and habitually absents himself from school contrary to the provisions of section twelve of this act, upon complaint by a truant officer, and conviction thereof, may be committed, if a boy, to a county truant school for a period not exceeding two years, and if a girl, to the state industrial school for girls, unless such child is placed on probation as provided in section twenty-eight of this act.

Commitment of habitual absentees.

SECTION 25. Every habitual absentee, that is, every child between seven and sixteen years of age who may be found wandering about in the streets or public places of any town or city of the Commonwealth, having no lawful occupation, habitually not attending school, and growing up in idleness and ignorance, upon complaint by a truant officer or any other person, and conviction

thereof, may be committed, if a boy, at the discretion of the court, to a county truant school for a period not exceeding two years, or to the Lyman school for boys, and, if a girl, to the state industrial school for girls, unless such child is placed on probation as provided in section twenty-eight of this act.

SECTION 26. Every habitual school offender, that is, every child under fourteen years of age who persistently violates the reasonable regulations of the school which he attends, or otherwise persistently misbehaves therein, so as to render himself a fit subject for exclusion therefrom, upon complaint by a truant officer, and conviction thereof, may be committed, if a boy, at the discretion of the court, to a county truant school for a period not exceeding two years, or to the Lyman school for boys, and, if a girl, to the state industrial school for girls, unless such child is placed on probation as provided in section twenty-eight of this act.

Commitment for violation of school regulations.

SECTION 27. Any court or magistrate by whom a child is committed to a county truant school may make such order as said court or magistrate deems expedient concerning the payment by the parents of such child to the county, of the cost of the support of any such child while in said school, and may from time to time revise and alter such order, or make a new order, as the circumstances of the parents may justify.

Support of children committed to county truant schools.

SECTION 28. Any court or magistrate by whom a child has been convicted of an offence under this act may in his discretion place such child on probation under the oversight of a truant officer of the town or city in which the child resides, or of a probation officer of said court, for such period and upon such conditions as said court or magistrate may deem best; and within such period, if the child violates the conditions of his probation, such truant officer or probation officer may without warrant or other process take the child before the court, and the court may thereupon proceed to sentence or may make any other lawful disposition of the case.

Child convicted of an offence may be placed on probation, etc.

SECTION 29. County commissioners, whenever they think it will be for the best interest of any child committed to a county truant school under their control, and after due notice and an opportunity to be heard have been given to the superintendent of schools, or, where there is no superintendent, to the school committee of

County commissioners, in certain cases, may permit children in county truant schools to be at liberty, etc.

County commissioners, in certain cases, may permit children in county truant schools to be at liberty, etc.

the town or city from which such child was committed to said school, may permit such child to be at liberty, upon such conditions as said commissioners may deem best; or, with the approval of a justice of the court which imposed the sentence, they may discharge such child from said school; and in case of such parole or discharge the trustees shall make an entry upon their records of the name of such child, the date of such parole or discharge, and the reason therefor, and a copy of such record shall be transmitted to the court or magistrate by whom such child was committed, and to the school committee of the town or city from which such child was committed. If any child who is permitted to be at liberty, as provided by this section, violates, in the opinion of said commissioners, the conditions of his parole at any time previous to the expiration of the term for which such child was committed to said school, they may revoke such parole. Upon evidence from a superintendent of schools or a school committee, satisfactory to said commissioners, of the violation by a child of the conditions of his parole, it shall be the duty of said commissioners to revoke such parole. Said commissioners may issue an order directed to the truant or police officers of any town or city to arrest such child wherever found and return him to said school; and any such officer holding such order shall arrest such child and return him to said school, which may thereupon hold him, subject to the provisions of this act, for the unexpired portion of the term of the original sentence. Said commissioners shall meet the expense attending such arrest and return, so far as approved by them, at the cost of the county or counties maintaining said school. But releases from the parental school of the city of Boston shall be governed by the provisions of chapter five hundred and fourteen of the acts of the year eighteen hundred and ninety-six.

Commitment of inmates of county truant schools for violation of regulations, etc.

SECTION 30. Any inmate of a county truant school who persistently violates the reasonable regulations of said school, or is guilty of indecent or immoral conduct, or otherwise grossly misbehaves, so as to render himself an unfit subject for retention therein, upon complaint by the county commissioners in control of said school, and conviction thereof, may be committed by the court, if a boy under fifteen years of age, to the Lyman school for boys; if a boy over fifteen years of age, to the Mas-

sachusetts reformatory at Concord. The period of commitment to said institutions shall be determined by the laws and regulations governing commitments thereto.

SECTION 31. Any person having under his control a child between seven and fourteen years of age who fails for five day sessions or ten half day sessions within any period of six months while under such control, to cause such child to attend school as required by section twelve of this act, the physical or mental condition of such child not being such as to render his attendance at school harmful or impracticable, upon complaint by a truant officer, and conviction thereof, shall forfeit and pay a fine of not more than twenty dollars. Any person who induces or attempts to induce any child to absent himself unlawfully from school, or employs or harbors while school is in session any child absent unlawfully from school, shall forfeit and pay a fine of not more than fifty dollars.

Penalty for failure of persons having control of certain children to cause them to attend school.

SECTION 32. Police, municipal and district courts, trial justices, and judges of probate courts, shall have jurisdiction of all cases arising under this act relating to persons residing in their respective jurisdictions. Upon a complaint for an offence under this act a summons shall issue instead of a warrant for arrest, unless in the judgment of the court or magistrate receiving the complaint there is reason to believe that the accused will not appear upon a summons. A warrant may issue at any time after the issue of such summons, if occasion arises, whether or not the summons has been served. Such summons or warrant may be served, at the discretion of the court or magistrate, by a truant officer or by any officer empowered to serve criminal process. Upon complaint against a child under this act the parents, guardian or custodian of the child shall be notified as is required by law in the case of a juvenile offender. No child under seventeen years of age shall be committed under this act, except to a county truant school, and no child against whom complaint as an habitual absentee is brought under section twenty-five of this act by any other person than a truant officer shall be committed under this act, unless due notice and an opportunity to be heard have been given to the state board of lunacy and charity.

Certain courts, etc., to have jurisdiction, etc.

SECTION 33. The school committee of every town and city shall appoint and fix the compensation of one or more persons to be designated as truant officers, and

Appointment and compensation of truant officers.

shall make rules and regulations governing said officers. Truant officers shall not receive fees for their services. The school committees of two or more towns or cities may employ the same truant officer or officers.

Duties of truant officers.

SECTION 34. The truant officers of towns and cities shall inquire into all cases arising under sections eleven, twelve, twenty-four to twenty-six inclusive and thirty-one of this act, and may make complaints, serve legal processes, and carry into execution judgments thereunder. They shall perform the duties of oversight of children placed on probation as may be required of them under section twenty-eight of this act. A truant officer of any town or city may apprehend and take to school, without warrant, any truant or absentee found wandering about in the streets or public places thereof.

1882, 181, § 3, etc., amended.

SECTION 35. Section three of chapter one hundred and eighty-one of the acts of the year eighteen hundred and eighty-two, as amended by section four of chapter one hundred and one of the acts of the year eighteen hundred and eighty-six, by section one of chapter three hundred and thirty of the acts of the same year, and by section one of chapter two hundred and forty-eight of the acts of the year eighteen hundred and eighty-eight, is hereby amended by striking out the whole of said section and inserting in place thereof the following:—

Commitment of certain children to the custody of the state board of lunacy and charity, etc.

Section 3. Whenever it shall be made to appear to any court or magistrate after due complaint setting forth the facts relied upon, and a hearing thereon, that within the jurisdiction of such court or magistrate any child under sixteen years of age, by reason of orphanage, or of the neglect, crime, drunkenness or other vice of his parents, is growing up without education or salutary control, and in circumstances exposing him to lead an idle and dissolute life, or is dependent upon public charity, such court or magistrate shall, after notice to the state board of lunacy and charity, commit such child, if he has no known settlement in this Commonwealth, to the custody of said board, and if he has a known settlement then to the overseers of the poor of the city or town in which he has such settlement, except in the city of Boston, and if he has a settlement in said city, then to the directors of public institutions of said city, until he arrives at the age of twenty-one years, or for any less time; and the said board, overseers and directors are authorized to

make all needful arrangements for the care and maintenance of children so committed, in some state, municipal or town institution, or in some respectable family, and to discharge such children from their custody whenever the object of their commitment has been accomplished: *provided, however*, that when it shall be made to appear Proviso. that the place of legal settlement of any of such children has not within its control any institution in which they may be lawfully maintained such court or magistrate may commit such children to the custody of the state board of lunacy and charity, and the authority vested in overseers of the poor under this section relative to children who have a known settlement may be exercised by said state board, in the same manner and to the same extent as it might have been exercised by said overseers had such children been committed to them.

SECTION 36. Sections three and seven of chapter Repeal. forty-one, sections one, two, seven, twelve, thirteen and sixteen of chapter forty-four, sections one to seven inclusive, ten to thirteen inclusive and section fifteen of chapter forty-six, section ten of chapter forty-eight and section nineteen of chapter two hundred and twenty, of the Public Statutes; chapter one hundred and seventy-four of the acts of the year eighteen hundred and eighty-three; chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-six; chapter ninety-nine of the acts of the year eighteen hundred and ninety-one; chapter two hundred and thirty-one, sections one to four inclusive of chapter four hundred and thirty-six, chapter four hundred and seventy-one, and sections one, and three to twenty-nine inclusive, of chapter four hundred and ninety-eight of the acts of the year eighteen hundred and ninety-four; chapters two hundred and twelve and two hundred and sixteen of the acts of the year eighteen hundred and ninety-five; chapters three hundred and sixty and three hundred and eighty-two of the acts of the year eighteen hundred and ninety-six, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

SECTION 37. This act shall take effect on the first day of September in the year eighteen hundred and ninety-eight. When to take effect.

Approved June 2, 1898.

Chap.497 AN ACT TO ESTABLISH THE DISTRICT COURT OF WESTERN NORFOLK.
Be it enacted, etc., as follows :

District court
of western
Norfolk estab-
lished.

SECTION 1. The towns of Bellingham, Foxborough, Franklin, Medway, Millis, Norfolk, Walpole and Wrentham in the county of Norfolk, shall constitute a judicial district under the jurisdiction of a court to be called the district court of western Norfolk. Said court shall be held in the towns of Franklin and Walpole.

Sessions, etc.

SECTION 2. Said court shall be open daily for the transaction of business, except on Sundays and legal holidays. Sessions of said court for criminal business shall be held at Walpole on Monday, Wednesday and Friday, and at Franklin on Tuesday, Thursday and Saturday of each week. Sessions of said court for the trial of civil actions shall be held at Walpole on Wednesday, and at Franklin on Saturday of each week, and the return day for writs and other processes in civil action shall be at Franklin on Saturday of each week. Actions for trial at the session of said court held at Walpole shall be so designated on or before the expiration of the time for filing the answer. Said court may transfer an action from one of said sessions to the other, or may adjourn from one of said towns to the other, whenever the public convenience may seem to the justice presiding therein to render such action expedient.

Justices, etc.

SECTION 3. There shall be one justice, two special justices and a clerk of said court. The justice shall receive an annual salary of one thousand dollars, and the clerk an annual salary of five hundred dollars, to be paid by the county of Norfolk. All the provisions of law applicable to district courts shall apply to said court.

First session,
etc.

SECTION 4. The first session of said court shall be held at Franklin on the second day of July in the year eighteen hundred and ninety-eight, but nothing in this act shall affect any suit or other proceedings begun prior to said second day of July.

SECTION 5. This act shall take effect upon its passage.

Approved June 3, 1898.

Chap.498 AN ACT TO AUTHORIZE THE CONSTRUCTION OF BOOMS ACROSS THE
 CONNECTICUT RIVER.

Be it enacted, etc., as follows :

Construction of
booms across
the Connecticut
river.

SECTION 1. In addition to the powers and duties conferred upon the board of harbor and land commissioners

by chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-five said board is hereby authorized to license the construction and maintenance of booms in and across the Connecticut river, for periods not exceeding five years, in such locations and upon such terms and conditions as it may prescribe. All licenses issued under the provisions of this act and all structures erected under the authority thereby given shall be subject to the terms and provisions of chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-five, and of chapter two hundred and sixty-six of the acts of the year eighteen hundred and ninety-one, so far as the same shall be applicable.

Licenses, etc., subject to certain provisions of law.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1898.

AN ACT TO ESTABLISH THE SALARIES OF THE BOARD OF GAS AND ELECTRIC LIGHT COMMISSIONERS.

Chap. 499

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter three hundred and fourteen of the acts of the year eighteen hundred and eighty-five is hereby amended by striking out the word "three", in the second line, and inserting in place thereof the word:—four,—by striking out the word "two", in the third line, and inserting in place thereof the word:—three,—and by inserting after the word "Commonwealth", in the fourth line, the words:—The members and clerk of said board shall not engage in any other business,—so as to read as follows:—*Section 4.* The annual salary of the chairman of the board shall be four thousand dollars, and that of the other commissioners three thousand five hundred dollars each, to be paid monthly from the treasury of the Commonwealth. The members and clerk of said board shall not engage in any other business. The commissioners shall be provided with an office in the state house or in some other suitable place in the city of Boston, in which their records shall be kept.

1885, 314, § 4, amended.

Salaries of board of gas and electric light commissioners.

SECTION 2. Chapter five hundred and three of the acts of the year eighteen hundred and ninety-four is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved June 3, 1898.

Chap.500 AN ACT RELATIVE TO THE DISFIGUREMENT OF OBJECTS BY THE
POSTING OF ADVERTISEMENTS OR OTHERWISE.

Be it enacted, etc., as follows :

P. S. 203, § 102,
amended.

Penalty for
defacing nat-
ural scenery,
etc., without
consent of
owners.

SECTION 1. Section one hundred and two of chapter two hundred and three of the Public Statutes is hereby amended by striking out the whole of said section and inserting in place thereof the following :— *Section 102.* Whoever paints, or puts upon, or in any manner affixes to any fence, structure, pole, rock or other object, the property of another, whether within or without the limits of the highway, any words, device, trade-mark, advertisement, or notice, not required by law to be posted thereon, without first obtaining the written consent of the owner or tenant of such property shall, on complaint of such owner, or his tenant, or any municipal or public officer, be punished by fine not exceeding ten dollars.

Advertisements
or notices, etc.,
within the
limits of a
highway to be
deemed a pub-
lic nuisance.

SECTION 2. Any word, device, trade-mark, advertisement or notice, painted, put up or affixed within the limits of a highway in violation of the provisions of the preceding section of this act shall be deemed to be a public nuisance ; and may be forthwith removed or obliterated, and abated by any person.

When to take
effect.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and ninety-eight.

Approved June 6, 1898.

Chap.501 AN ACT RELATIVE TO A BOULEVARD FROM THE POINT OF PINES
TO LYNN WOODS, AND FROM LYNN WOODS TO THE MIDDLESEX
FELLS.

Be it enacted, etc., as follows :

Metropolitan
park commis-
sion to investi-
gate the
question of a
boulevard from
the Point of
Pines to Lynn
Woods, etc.

SECTION 1. The metropolitan park commission is hereby authorized and instructed to make an investigation as to the advisability of constructing a boulevard from the Point of Pines to Lynn Woods, and from the Lynn Woods to Middlesex Fells. Said commission shall consider the various practicable routes and the cost of construction, and shall report the result of its investigation, together with its recommendations, to the next general court. Any expense incurred under this act shall be deducted from the unexpended balance of the general appropriation for metropolitan boulevards.

SECTION 2. This act shall take effect upon its passage.

Approved June 6, 1898.

AN ACT TO AUTHORIZE CERTAIN CORPORATIONS TO SURRENDER THEIR CERTIFICATES OF INCORPORATION. *Chap.502*

Be it enacted, etc., as follows :

SECTION 1. Any corporation organized under the general laws, excepting such as have been created for the purpose of business or profit with a capital stock divided into shares, and excepting also those corporations which are under the jurisdiction of the insurance commissioner, may surrender its certificate of incorporation and be dissolved in the manner hereinafter provided.

Certain corporations may surrender their certificates of incorporation.

SECTION 2. A majority of the surviving members of the corporation desiring to surrender its certificate of incorporation shall make, sign and swear to a statement which, together with said certificate, shall be filed in the office of the secretary of the Commonwealth, setting forth that they desire to surrender said certificate and to have said corporation dissolved, and giving the reasons therefor. When the statement and certificate of incorporation have been filed as herein provided the secretary of the Commonwealth, if he deems the reasons set forth in said statement to be well grounded, shall thereupon cause a notice to be published by the petitioners for dissolution in one or more newspapers in the county where the corporation is located, to the effect that for reasons which appear to said secretary to be good and sufficient the incorporation of the organization therein named is annulled. Upon receipt by the secretary of the Commonwealth of a copy of the newspaper or newspapers wherein the notice of dissolution was ordered to be published the corporation shall then cease to exist, and shall thereafter be dissolved, subject however to the provisions of sections forty-one, forty-two, forty-three and forty-four of chapter one hundred and five of the Public Statutes.

Method of procedure.

Secretary of the Commonwealth to cause notice to be published by the petitioners, etc.

SECTION 3. This act shall take effect upon its passage.

Approved June 6, 1898.

AN ACT TO REQUIRE APPROVAL BY THE COMMISSIONER OF CORPORATIONS OF CERTIFICATES OF CHANGE OF PAR VALUE OF SHARES AND OF ADDITION TO OR CHANGE OF BUSINESS BY CERTAIN CORPORATIONS. *Chap.503*

Be it enacted, etc., as follows :

SECTION 1. Section fifty-nine of chapter one hundred and six of the Public Statutes is hereby amended by in-

P. S. 106, § 59, amended.

Certain certificates to be submitted to the commissioner of corporations for examination, etc.

serting after the word “sections”, in the second line, the word:—thirty-one,—and by inserting after the word “forty-six”, in the same line, the word:—fifty-one,—so as to read as follows:—*Section 59.* Every certificate required to be filed by the provisions of sections thirty-one, forty-six, fifty-one, fifty-four, fifty-six, fifty-seven, and fifty-eight, shall, before filing, be submitted to the commissioner of corporations, who shall examine the same; and if it appears to him to be a sufficient compliance in form with the requirements of this chapter, he shall certify his approval thereof by indorsement upon the same; but upon the copies of votes of corporations, or the authorizations of municipal authorities required by the preceding section, he shall indorse only the date and fact of submission to his inspection; and upon paying the fee hereinafter provided, the same may be filed in the office of the secretary of the Commonwealth, who shall receive and record the same in books to be kept for the purpose, and upon such filing the corporation and its officers shall be conclusively held to have complied with the requirements of this chapter in respect to the filing of such certificate, except that it may be shown by competent evidence in any court that the statements made in such return were false, and were known to be so by any officer or officers signing or making oath to the same.

1894, 500,
amended.

Certain corporations may change par value of shares.

SECTION 2. Chapter five hundred of the acts of the year eighteen hundred and ninety-four is hereby amended by inserting after the word “and”, in the twelfth line, the words:—having been approved as to its form by the commissioner of corporations,—so as to read as follows:—The par value of shares in the capital stock of any corporation organized for any of the purposes mentioned or referred to in sections seven, eight, thirteen and fourteen of chapter one hundred and six of the Public Statutes may be one hundred dollars, or any smaller sum, not less than twenty-five dollars, fixed in its articles of association; and any such corporation, at a meeting of its stockholders called for the purpose, may change the par value of its shares: *provided*, that a certificate of such change shall, within ten days thereafter, be made, signed and sworn to by its president, treasurer and a majority of its directors; and, having been approved as

Proviso.

to its form by the commissioner of corporations, be filed in the office of the secretary of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved June 6, 1898.

AN ACT TO AUTHORIZE CERTAIN CORPORATIONS TO ADD TO OR CHANGE THEIR PURPOSE OF INCORPORATION.

Chap. 504

Be it enacted, etc., as follows:

Any corporation organized under the provisions of chapter one hundred and fifteen of the Public Statutes may, upon the vote of all its members at a meeting duly called for the purpose, add to or change the purpose for which it was incorporated: *provided*, that such a corporation shall not adopt nor engage in the pursuit of any purpose which is not authorized by the provisions of said chapter. The presiding, financial and recording officers and a majority of its other officers having the powers of directors shall forthwith make, sign and swear to a certificate setting forth such addition to or change of purpose. Such certificate having been submitted to the commissioner of corporations for his approval shall thereupon be filed and recorded in the office of the secretary of the Commonwealth. *Approved June 6, 1898.*

Certain corporations may add to or change their purpose of incorporation.

Proviso.

AN ACT TO PROHIBIT DEDUCTIONS IN THE WAGES OF WOMEN AND MINORS EMPLOYED IN MANUFACTURING AND MECHANICAL ESTABLISHMENTS.

Chap. 505

Be it enacted, etc., as follows:

SECTION 1. No deductions shall be made in the wages of women and minors who are paid by the day or hour, employed in manufacturing or mechanical establishments, for time during which the machinery is stopped, if said women and minors were refused the privilege of leaving the mill while the damage to said machinery was being repaired; and none of the employees referred to in this section shall be compelled to make up time lost through the breaking down of machinery unless said employees are compensated at their regular rates of wages: *provided*, that said employees have been detained within their workrooms during the time of such breakdown.

Deductions in wages of women and minors in certain establishments prohibited.

Proviso.

SECTION 2. Any person, corporation, officer or agent who violates the provisions of this act shall be punished by fine not exceeding twenty dollars for each offence.

Penalty.

Approved June 6, 1898.

Chap.506 AN ACT TO AUTHORIZE THE SALE OF CERTAIN REAL ESTATE IN THE TOWN OF WASHINGTON IN THE COUNTY OF BERKSHIRE.

Be it enacted, etc., as follows:

Sale of certain real estate in the town of Washington authorized.

SECTION 1. Edwin H. Eames, Addison K. Beach and Royal J. Beach, as surviving heirs of former members of the Congregational Society of Washington in the county of Berkshire, are hereby authorized to sell and convey any and all right, title and interest now vested in them, in the Commonwealth of Massachusetts, in the ancient proprietors of the town of Washington, and in said society, in and to that certain parcel of real estate in said town formerly occupied by said society as a church site, and to devote the proceeds to the maintenance of the gospel ministry in said town.

SECTION 2. This act shall take effect upon its passage.

Approved June 6, 1898.

Chap.507 AN ACT TO PROVIDE FOR UNIFORMITY IN THE ASSESSMENT OF TAXES.

Be it enacted, etc., as follows:

Assessors' lists to be open to inspection.

SECTION 1. The lists required to be brought in to the assessors in accordance with the provisions of section thirty-eight of chapter eleven of the Public Statutes shall be open to the inspection of the assessors and their assistants and clerks, the tax commissioner and his deputy, and to no other persons, except by order of a court, for that part thereof that shows the detail of the personal estate of the persons filing the same; and all such lists shall be carefully preserved by the assessors until they are destroyed by order of the tax commissioner.

Assessors' books, etc.

SECTION 2. The book of the assessors which by the terms of section fifty of chapter eleven of the Public Statutes must be open to public inspection shall show in separate columns the valuation of each person's stock in trade and of machinery used in manufacturing establishments, and the number and value of live stock. The aggregate valuation of all other personal estate shall be placed as one item in a column marked "All other ratable personal estate", and the total amount of each person's taxable personal property shall be shown without other detail or specification than that herein provided.

SECTION 3. The tax commissioner shall appoint a deputy, who shall receive as compensation for his services the sum of twenty-five hundred dollars annually. He may himself or by his deputy visit any city or town and inspect the work of its assessors, and give to said officers such information and require of them such action as will tend to produce uniformity in valuation and assessments throughout the Commonwealth; and for any violation of the laws relating to the assessment of taxes by any assessor, for which a penalty is provided by law, may cause the offending officer to be indicted, either in the county in which said officer resides or in an adjoining county. He may also by himself or by his deputy appear at any hearing before the superior court or any board of county commissioners sitting for the abatement of taxes. In addition to his fixed compensation the commissioner or his deputy shall be allowed his reasonable travelling expenses.

Deputy tax commissioner to be appointed, etc.

SECTION 4. This act shall take effect on the first day of December in the year eighteen hundred and ninety-eight.

When to take effect.

Approved June 6, 1898.

AN ACT TO AUTHORIZE THE TOWN OF WINDSOR TO APPROPRIATE MONEY FOR BUILDING A TELEPHONE LINE FROM DALTON TO EAST WINDSOR.

Chap.508

Be it enacted, etc., as follows:

SECTION 1. The town of Windsor may, by majority vote of the legal voters thereof at a meeting called for the purpose, appropriate not exceeding seven hundred and fifty dollars to meet the expense of building a telephone line from Dalton to East Windsor.

Town of Windsor may appropriate money to construct telephone line.

SECTION 2. This act shall take effect upon its passage.

Approved June 7, 1898.

AN ACT TO AUTHORIZE THE PROPRIETORS OF THE FOX CEMETERY IN THE TOWN OF BERKLEY TO TAKE, HOLD, SELL AND CONVEY CERTAIN LANDS.

Chap.509

Be it enacted, etc., as follows:

SECTION 1. The deed of land to the Proprietors of the Fox Cemetery, a corporation organized under the provisions of chapter two hundred and two of the acts of the year eighteen hundred and eighty-five, from George

Certain proceedings confirmed

R. Babbitt, dated the fifteenth day of August in the year eighteen hundred and ninety-four, and recorded in the registry of deeds for the northern district of the county of Bristol, book five hundred and twenty, page one hundred and three, shall not be deemed invalid because said corporation was not legally authorized to receive and hold said land; and the powers of said corporation are hereby so far enlarged as to authorize it to hold and convey said land.

Certain strip of land may be conveyed for widening highway.

SECTION 2. Said corporation is hereby authorized to convey to the town of Berkley a strip of the land so conveyed to it by said Babbitt, bordering on the highway, for the purpose of widening and straightening said highway.

SECTION 3. This act shall take effect upon its passage.

Approved June 7, 1898.

Chap. 510 AN ACT TO PROVIDE A PENALTY FOR THE VIOLATION OF THE LAW RELATIVE TO THE USE OF STANDARD RECORD INKS FOR PUBLIC RECORDS.

Be it enacted, etc., as follows:

1894, 378, § 1, amended.

Section one of chapter three hundred and seventy-eight of the acts of the year eighteen hundred and ninety-four is hereby amended by adding at the end thereof the words:—Any person violating the provisions of this section shall be punished by fine not exceeding fifty dollars,—so as to read as follows:—

Penalty for using other than standard record inks for public records.

Section 1. No person having the care or custody of any book of record or registry in any of the departments or offices of the Commonwealth, or of any county, city or town therein, shall use or allow to be used upon such books any ink excepting such as is furnished by the secretary of the Commonwealth. Any person violating the provisions of this section shall be punished by fine not exceeding fifty dollars.

Approved June 8, 1898.

Chap. 511 AN ACT TO PROVIDE FOR THE APPOINTMENT OF PROBATION OFFICERS IN THE SUPERIOR COURT.

Be it enacted, etc., as follows:

Appointment of probation officers in the superior court, etc.

SECTION 1. The superior court may appoint probation officers, who shall have the same powers and perform the same duties in any part of the Commonwealth for the superior court as the probation officers now have or perform when appointed under the provisions of chapter

three hundred and fifty-six of the acts of the year eighteen hundred and ninety-one; and the superior court may place upon probation, under any of said probation officers, any person charged with a criminal offence before it, and it may direct them to act in any part of the Commonwealth, and to report to the court; and said court may remove said probation officers at any time.

SECTION 2. The salary of each probation officer appointed under this act shall be determined by the superior court, and shall be apportioned by the court from time to time between the counties wherein said officer performs his services. The reasonable expenses incurred by each such officer in the performance of his duties shall be approved and apportioned by the superior court, and when so approved shall be paid by the county to which they are thus apportioned.

Salaries.

Expenses.

SECTION 3. The clerks of the superior court for the several counties shall notify the commissioners of prisons of all appointments and removals made under this act.

Commissioners of prisons to be notified of appointments and removals.

SECTION 4. This act shall take effect upon its passage.

Approved June 8, 1898.

AN ACT TO APPROVE THE PURCHASE BY THE UNITED STATES OF TWO TRACTS OF LAND IN THE TOWN OF HULL, AND TO CEDE JURISDICTION OVER THE SAME TO THE NATIONAL GOVERNMENT.

Chap. 512

Be it enacted, etc., as follows:

SECTION 1. The consent of the Commonwealth of Massachusetts is hereby granted to the United States of America to purchase two tracts of land in the town of Hull, covering parts of the heights known as Telegraph or Nantasket Hill, and Cushing Hill, the same to be used for national defense.

Certain tracts of land in the town of Hull may be purchased for purposes of national defense.

SECTION 2. Jurisdiction over the area so purchased is hereby granted and ceded to the United States: *provided*, (and the cession and consent aforesaid are granted upon the express condition), that the Commonwealth shall retain a concurrent jurisdiction with the United States in and over the land so purchased, so far as that all civil processes and such criminal processes as may issue under the authority of the Commonwealth against any person or persons charged with crimes committed without the said tracts of land may be executed therein in the same manner as though this cession had not been granted.

Jurisdiction granted to the United States. *Proviso.*

Certain flats
may be filled
and occupied.

SECTION 3. The United States government is hereby authorized, upon such terms and conditions as shall be prescribed by the harbor and land commissioners, to occupy and fill such flats belonging to the Commonwealth, and to place such structures in or over the tide water adjacent to the area herein authorized to be purchased as may be necessary for the purposes for which said area is to be used.

To be void
unless certain
conditions are
complied with.

SECTION 4. This act shall be void unless a suitable plan or plans of the premises purchased by the United States under the provisions of this act shall be deposited in the office of the secretary of the Commonwealth within one year from the passage of this act.

SECTION 5. This act shall take effect upon its passage.

Approved June 8, 1898.

Chap. 513 AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO LIGHT ITS CENTRAL POLICE STATION FROM THE ELECTRIC LIGHTING PLANT IN THE CITY HALL.

Be it enacted, etc., as follows :

City of Brockton may extend electric wires across a certain public way.

SECTION 1. The city of Brockton is hereby authorized to extend electric wires across, under or over its public way known as City Hall Square, from its electric lighting plant in the city hall building to the central police station on said way, for the electric lighting of said police station.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1898.

Chap. 514 AN ACT RELATIVE TO ENTRIES FOR BREACH OF CONDITIONS IN DEEDS.

Be it enacted, etc., as follows :

In cases of breach of conditions in a deed conveying real estate an entry may be made to revest the title in the grantor, etc.

SECTION 1. Whenever real estate has been conveyed by deed on a condition, other than by mortgage, therein set forth, and there has been a breach of such condition, an entry may be made by the grantor, his heirs or devisees on the conveyed premises, in order to revest the title in the grantor, his heirs or devisees, and a certificate of such entry, made and sworn to before a justice of the peace by two competent witnesses, and recorded within thirty days of such entry in the registry of deeds for the county or district where the land lies, or a duly certified copy of the record of such certificate shall, after the ex-

piration of three years from such entry, be admitted as prima facie evidence of the fact of such breach and entry.

SECTION 2. Whenever the grantor named in such a deed of real estate or the heirs or devisees of such grantor have heretofore made an entry for breach of the conditions thereof, on the premises conveyed, in order to re-vest the title in such grantor, his heirs or devisees, and a certificate of such entry has been made and sworn to before a justice of the peace by two competent witnesses, and such certificate has heretofore in fact been recorded within thirty days of such entry in the registry of deeds for the county or district where the land lies, such certificate or a duly certified copy of the record thereof shall, after the expiration of three years from such entry, be admitted as prima facie evidence of the fact of such breach and entry.

When entry has been made to re-vest title in the grantor such entry, etc., shall be prima facie evidence after expiration of three years.

SECTION 3. This act shall take effect upon its passage.

Approved June 9, 1898.

AN ACT TO AUTHORIZE THE DISTRICT POLICE TO EXAMINE PAWN-BROKERS' BOOKS.

Chap. 515

Be it enacted, etc., as follows:

Section six of chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-five is hereby amended by inserting after the word "police", in the fourth line, the words:—or any member of the district police,—so as to read as follows:—*Section 6.* Said book shall at all reasonable times be open to the inspection of the mayor, the members of the board of police, the superintendent of police and deputy superintendents, the chief inspector of police, or any member of the district police, or any person who shall be duly authorized in writing for that purpose by any or either of them, and who shall exhibit such written authority to such pawn-broker.

1895, 497, § 6, amended.

Book to be open to inspection by certain persons.

Approved June 9, 1898.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 516

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein

Appropriations.

otherwise provided, for the purposes specified in certain acts and resolves of the present year, and for certain other expenditures authorized by law, to wit: —

Fuel and lights,
etc., at the state
house.

For fuel and lights at the state house, including coal, water, gas, and the removal of ashes, a sum not exceeding five thousand dollars, the same to be in addition to the twenty-five thousand dollars appropriated by chapter sixty-two of the acts of the present year.

Employment of
prisoners.

To carry out the purposes of the act to provide for the employment of prisoners in making goods for the use of the prisons and other public institutions, as provided for by chapter three hundred and thirty-four of the acts of the present year, a sum not exceeding twenty thousand dollars.

Compensation
of officers and
men of the
militia.

For compensation of officers and men of the volunteer militia, to carry out the provisions of chapter three hundred and forty-eight of the acts of the present year, a sum not exceeding thirty-seven thousand eight hundred dollars, the same to be in addition to the amount appropriated by chapter seventy-two of the acts of the present year.

Marking
boundary line
between Gay
Head and
Chilmark.

For expenses in connection with marking the boundary line between the towns of Gay Head and Chilmark, as authorized by chapter three hundred and fifty-seven of the acts of the present year, a sum not exceeding two thousand dollars.

Judgment
against the
Commonwealth
in favor of
Martin O.
Rounsville.

For the payment of a judgment entered in the superior court against the Commonwealth in favor of Martin O. Rounsville, under the provisions of section four of chapter one hundred and ninety-five of the Public Statutes, the sum of one hundred forty-two dollars and twenty-seven cents.

Bradford
History of the
Plymouth
Plantation.

So much of the receipts from the sales of the Bradford History of the Plymouth Plantation as may be necessary is hereby appropriated for the payment of such additional copies as may be printed for sale, as authorized by chapter sixty-eight of the resolves of the present year.

Investigation of
Sunday labor.

For expenses in connection with an investigation of Sunday labor, as provided for by chapter four hundred and two of the acts of the present year, a sum not exceeding three thousand dollars.

Boundary line
between Bourne
and Wareham.

For expenses incurred in establishing the boundary line between the towns of Bourne and Wareham, as authorized by chapter seventy-three of the resolves of the present year, the sum of seventeen hundred dollars.

- For repairs and additions to the United States ship Minnesota, as authorized by chapter seventy-four of the resolves of the present year, a sum not exceeding twenty-five hundred dollars. Repairs to the Minnesota.
- For expenses in connection with investigating the subject of labor and co-operative insurance, as authorized by chapter seventy-eight of the resolves of the present year, a sum not exceeding one thousand dollars. Investigation of subject of labor and co-operative insurance.
- For certain repairs and improvements at the Northampton lunatic hospital, as authorized by chapter seventy-nine of the resolves of the present year, a sum not exceeding forty-five thousand dollars. Northampton lunatic hospital.
- For William T. Eaton, as authorized by chapter eighty of the resolves of the present year, the sum of thirteen hundred and seventy-four dollars, to be paid out of the Metropolitan Parks Loan Fund. William T. Eaton.
- For additional shop room at the state prison, as authorized by chapter eighty-one of the resolves of the present year, a sum not exceeding five thousand dollars. Additional shop room at the state prison.
- For certain improvements at the state farm, as authorized by chapter eighty-two of the resolves of the present year, a sum not exceeding twenty-three thousand dollars. Improvements at the state farm.
- For the collection of portraits of presidents of the senate, as authorized by chapter eighty-four of the resolves of the present year, a sum not exceeding five hundred dollars. Portraits of presidents of the senate.
- For the purchase of apparatus to be used at polling places in the canvass and count of votes, as authorized by chapter eighty-five of the resolves of the present year, a sum not exceeding five thousand dollars. Apparatus for canvass and count of votes.
- For a sewerage plant for the Danvers lunatic hospital, as authorized by chapter eighty-six of the resolves of the present year, a sum not exceeding five thousand dollars. Danvers lunatic hospital.
- For furnishing the new building at the Westborough insane hospital, as authorized by chapter eighty-seven of the resolves of the present year, a sum not exceeding nine thousand five hundred dollars. Westborough insane hospital.
- For the purchase of field guns and equipments for the use of the volunteer militia, as authorized by chapter eighty-eight of the resolves of the present year, a sum not exceeding fifty-two thousand dollars, to be paid out of the appropriation of five hundred thousand dollars for war purposes should the said sum be sufficient, otherwise from the treasury of the Commonwealth. Field guns and equipments for the militia.

Annie M.
Brooks.

For Annie M. Brooks, as authorized by chapter eighty-nine of the resolves of the present year, the sum of two thousand dollars.

Town of Plain-
field.

For the town of Plainfield, as authorized by chapter ninety of the resolves of the present year, the sum of three hundred and thirty dollars.

International
exposition at
Paris.

For expenses in connection with the participation of the Commonwealth in the international exposition at Paris, as authorized by chapter ninety-one of the resolves of the present year, a sum not exceeding ten thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1898.

Chap. 517 AN ACT RELATIVE TO THE WORCESTER HIBERNIAN BUILDING ASSOCIATION IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

1898, 152, § 2,
amended.

SECTION 1. Section two of chapter one hundred and fifty-two of the acts of the year eighteen hundred and ninety-eight is hereby amended by adding at the end thereof the following words:—*provided, nevertheless*, that if any vacancy in the membership of said corporation shall occur at any time by reason of death, disability or resignation, the vacancy may be filled by the division of said Ancient Order of Hibernians whose representation in said corporation is thus made incomplete, — so as to read as follows:— *Section 2.* The above-named persons shall continue members of the corporation during the term of three years from and after the passage of this act and until their successors shall be chosen, as follows:— At the third annual meeting after the passage of this act held by divisions one, three and twenty-four of the Ancient Order of Hibernians of America of Worcester, each organization may elect three members of the corporation, one for one year, one for two years and one for three years; and such organization may at each annual meeting thereafter elect one member for the term of three years; any other division of the Ancient Order of Hibernians of America in said Worcester, now or hereafter organized and recognized by the Massachusetts State Board of the Ancient Order of Hibernians of America, shall be likewise entitled to elect members of the corporation in the manner above described, upon payment of such sum of money to said corporation for

Worcester
Hibernian
Building
Association,
incorporated.

the purposes above mentioned in this act, as said corporation shall by vote determine: *provided, nevertheless,* Proviso. that if any vacancy in the membership of said corporation shall occur at any time by reason of death, disability or resignation, the vacancy may be filled by the division of said Ancient Order of Hibernians whose representation in said corporation is thus made incomplete.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1898.

AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT CLERK OF COURTS FOR THE COUNTY OF NORFOLK.

Chap. 518

Be it enacted, etc., as follows:

SECTION 1. The assistant clerk of courts for the county of Norfolk shall, from and after the first day of January in the year eighteen hundred and ninety-eight, receive an annual salary of eighteen hundred dollars, payable in the manner now provided by law. Assistant clerk of courts, county of Norfolk, salary established.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1898.

AN ACT RELATIVE TO THE SEAL AND COAT-OF-ARMS OF THE COMMONWEALTH.

Chap. 519

Be it enacted, etc., as follows:

SECTION 1. The coat-of-arms as drawn and emblazoned under the direction of the present secretary of the Commonwealth, and now deposited in the office of said secretary, is hereby adopted and declared to be the official representation of the coat-of-arms of the Commonwealth of Massachusetts, and all designs of said coat-of-arms for official use shall conform strictly to said representation. Seal and coat-of-arms of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1898.

AN ACT RELATIVE TO THE COMPENSATION OF THE ASSISTANT REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF MIDDLESEX.

Chap. 520

Be it enacted, etc., as follows:

SECTION 1. There shall be paid to the assistant register of probate and insolvency for the county of Middlesex, in addition to the salary already established, the sum of five hundred dollars a year, to be so allowed from Compensation of assistant register of probate and insolvency, county of Middlesex.

the first day of March in the year eighteen hundred and ninety-eight until the first day of March in the year nineteen hundred.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1898.

Chap.521 AN ACT TO PROVIDE FOR ADDITIONAL ASSISTANCE IN THE OFFICE OF THE AUDITOR OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Messenger and clerical assistance in office of the auditor.

SECTION 1. The auditor of the Commonwealth may expend for a messenger and for such clerical assistance in his office as may be necessary for the proper despatch of public business, a sum not exceeding five hundred dollars a year, in addition to the amounts now authorized by law.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1898.

Chap.522 AN ACT TO AUTHORIZE THE TRUSTEES OF THE MEDFIELD INSANE ASYLUM TO ABANDON AND SELL LANDS, RIGHTS OF WAY AND EASEMENTS IN LAND TAKEN OR ACQUIRED BY THEM.

Be it enacted, etc., as follows:

Trustees of the Medfield insane asylum may abandon certain lands, etc.

SECTION 1. The trustees of the Medfield insane asylum may by deed executed, acknowledged and recorded according to the laws of the Commonwealth, accompanied by plan or survey, also to be recorded, abandon any portion of any land, rights of way or easements in land taken or acquired by them, and said abandonment shall revert the title thereof, as if never taken, in the persons, their heirs and assigns, in whom it was vested at the time of taking. Said abandonment may be pleaded in reduction of damages in any suit therefor on account of such taking. Said trustees may at any time sell at public or private sale any portion of any lands, rights of way or easements in land, the title to which has been taken or received or acquired and paid for by them, and may execute and acknowledge a deed thereof, with or without covenants of title and warranty, all in the name and behalf of the Commonwealth, to the purchaser, his heirs and assigns, and upon the receipt of the consideration named and upon the terms agreed in said deed shall deliver the same to the said purchaser. All sums of money received by said

trustees from such sale shall be paid to the treasurer and receiver general of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1898.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BARNSTABLE TO PAY A SUM OF MONEY TO SOLOMON B. RICH.

Chap. 523

Be it enacted, etc., as follows:

The county commissioners of the county of Barnstable are hereby authorized to pay to Solomon B. Rich the sum of seventy-three dollars and thirty-two cents, for services rendered by him as acting sheriff for said county from the fifth day of October to the eighth day of November in the year eighteen hundred and ninety-seven.

Solomon B. Rich.

Approved June 14, 1898.

AN ACT TO AUTHORIZE THE TOWN OF RUTLAND TO INCUR INDEBTEDNESS FOR SCHOOL AND OTHER PURPOSES, BEYOND THE LIMIT FIXED BY LAW.

Chap. 524

Be it enacted, etc., as follows:

SECTION 1. The town of Rutland may incur indebtedness to an amount not exceeding twelve thousand dollars for the purpose of purchasing or acquiring additional land for the location of a new public building and for erecting on such land and on adjoining land now owned by the town a building for the use of said town which shall contain school rooms capable of accommodating not less than two hundred pupils, a town hall, a public library, and other suitable offices and conveniences connected therewith, and for grading the grounds around the building.

Town of Rutland may acquire land and erect thereon a building for school purposes, etc.

SECTION 2. Said town is hereby authorized to issue, for the indebtedness incurred under this act, the negotiable notes of the town, payable in such annual payments as the selectmen and town treasurer may determine, and which shall extinguish said indebtedness in twenty years from the date of the passage of this act.

May issue negotiable notes.

SECTION 3. The indebtedness incurred under this act shall not be considered or reckoned in determining the authorized limit of indebtedness of the town of Rutland under the provisions of section four of chapter twenty-nine of the Public Statutes and of acts in amendment thereof.

Indebtedness not to be considered in determining debt limit.

Certain provisions of law to apply.

SECTION 4. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof shall apply to the issue of said notes.

Approved June 14, 1898.

Chap. 525 AN ACT TO PROVIDE FOR THE PAYMENT OF BOUNTIES TO MASSACHUSETTS SOLDIERS FROM THE TREASURY OF THE COMMONWEALTH IN CERTAIN CASES.

Be it enacted, etc., as follows:

Commission to act upon claims for unpaid bounties.

SECTION 1. The auditor, the secretary of the Commonwealth, and the adjutant general, shall constitute a commission to act upon claims for unpaid bounties presented by honorably discharged veterans of the late war for the suppression of the rebellion, who were at the time of their enlistment and muster into the United States service residents of Massachusetts, or presented by the widows or minor orphan children, or, in case there be no such widow or minor orphan children, by the dependent mother or father of such veterans. In cases where said commission find, upon evidence satisfactory to them, which evidence must in all cases be furnished by the claimant or claimants themselves, that the veteran in whose name the claim is presented was promised a bounty for military or naval service by vote of any city or town in this Commonwealth prior to the ninth day of April in the year eighteen hundred and sixty-five, that said veteran duly complied with the conditions under which said bounty was to be paid and that said bounty has not been paid, they may certify that the bounty should be paid from the treasury of the Commonwealth to said veteran or to his widow or minor orphan children; or, in case there be no widow or minor orphan children, to the dependent mother or father of such veteran, and thereupon said claim shall be allowed and paid in the same manner as other claims against the Commonwealth; the intent of this act being to fulfil all such promises of bounty by cities and towns in accordance with the terms thereof, except as herein-after provided, whether such promises were at the time valid in law or not: *provided, however*, that no bounty shall be allowed or paid to or on account of any veteran who was not a resident of Massachusetts at the time of his enlistment and muster into the service of the United States, and who was not credited to the quota of the city

Proviso.

or town under whose promise the bounty is claimed, except veterans who enlisted from a city or town promising a bounty but were assigned to the quota of a city or town by which no bounty was promised or paid; and *provided*, Proviso. *further*, that no bounty shall be allowed or paid to or on account of any conscript or substitute, and that in no case shall there be allowed and paid under this act an amount greater than one hundred and twenty-five dollars to any claimant.

SECTION 2. The findings of said commission shall be Findings. final.

SECTION 3. City and town clerks, and city and town treasurers shall, upon the request of the claimant or said commission, furnish the commission with a copy of the vote of the city or town whereby the bounty was voted under which a claim is made, with lists of all persons to whom bounties have been paid by their respective cities and towns, together with the amount paid to each person. City and town clerks, etc., to furnish certain information.

SECTION 4. The amounts allowed under this act shall be paid only to the person named in the certificate of allowance or to his executor or administrator. Payment of amounts allowed.

SECTION 5. No claims shall be allowed under this act unless presented prior to the first day of November in the year eighteen hundred and ninety-eight; but claims already filed under the provisions of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and ninety-seven shall be construed as filed under this act. Time for presentation of claims limited.

SECTION 6. Said commission may expend for clerical assistance and for such expenses as may be necessary in carrying out the provisions of this act a sum not exceeding one thousand dollars. Clerical assistance.

SECTION 7. The fee for the prosecution of a claim for a bounty under this act shall not exceed the sum of five dollars; and the fee agreed upon between the parties, not exceeding said amount, shall be paid to the attorney or other person entitled thereto, out of the bounty allowed, on the certificate of the commission allowing said claim. Any attorney or other person who demands or receives for his services any greater compensation than the sum above specified shall be guilty of a misdemeanor, and shall, for every such offence, be punished by fine not exceeding one hundred dollars or by imprisonment at hard labor not exceeding six months, or by both such fine and imprisonment. Fee for prosecuting claim. Penalty.

Repeal.

SECTION 8. Chapters one hundred and seventy-nine and three hundred and ninety-nine of the acts of the year eighteen hundred and ninety-seven are hereby repealed.

Approved June 14, 1898.

Chap.526 AN ACT TO AUTHORIZE CITIES AND TOWNS TO MAKE CERTAIN TEMPORARY LOANS.

Be it enacted, etc., as follows:

Cities and towns may make temporary loans in anticipation of receipts from sale of bonds, etc.

SECTION 1. Whenever any city or town has voted to issue any bonds, notes, scrip or other certificates of indebtedness, in accordance with the laws relating to municipal indebtedness, the proper officer or officers authorized to negotiate such bonds, notes, scrip or other certificates of indebtedness may, in the name of such city or town, make a temporary loan for a term not exceeding one year, in anticipation of the moneys to be derived from the sale of such bonds, notes, scrip or other certificates of indebtedness: *provided, however*, that the time within which said bonds, notes, scrip or other certificates of indebtedness shall become due and payable shall not be extended by reason of the making of such temporary loan, beyond the time fixed in the vote authorizing the issue of such bonds, notes, scrip or other certificates of indebtedness.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1898.

Chap.527 AN ACT TO PROVIDE FOR THE APPOINTMENT OF CONSERVATORS OF THE PROPERTY OF AGED PERSONS WHO ARE UNABLE TO CARE THEREFOR.

Be it enacted, etc., as follows:

Conservators of property of aged persons in certain cases.

SECTION 1. When a person becomes incapacitated by reason of advanced age to properly care for his property the probate court of the county in which he resides may, on the petition of such person or of one or more of his friends, appoint a conservator of his property. Upon the filing of such petition the court shall appoint a time and place of hearing, and shall cause at least fourteen days' notice thereof to be given to the person for whom a conservator is to be appointed, if he is not the petitioner. If at said hearing it appears that such person is incapable of properly caring for his property a conservator shall be

appointed, who shall have the charge and management of said property, subject to the direction of said court.

SECTION 2. Such conservator shall give a bond as required in the case of guardians of insane persons, and all provisions of law relating to the management, sale or mortgage of the property of insane persons shall apply to such conservators.

SECTION 3. This act shall take effect upon its passage.

Approved June 14, 1898.

AN ACT RELATIVE TO STATE HIGHWAYS.

Chap. 528

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and seventy-six of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out all after the word "removal", in the fourteenth line, and inserting in place thereof the following: — They shall each receive, in full compensation for their services, an annual salary of two thousand dollars, payable in equal monthly instalments, and also their travelling expenses, and they may expend annually for clerk hire, engineers, and for defraying expenses incidental and necessary for the performance of their duties, exclusive of office rent, such sum as the legislature shall from time to time appropriate. All of these sums shall be paid from the treasury of the Commonwealth. They shall be provided with an office in the state house or some other suitable place in the city of Boston, in which the records of their office shall be kept. They may establish rules and regulations for the conduct of business and for carrying out the provisions of the different acts governing the state highway commission.

1893, 476, § 1,
amended.

Compensation
of state high-
way commis-
sioners, etc.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved June 14, 1898.

AN ACT TO LEGALIZE APPROPRIATIONS HERETOFORE MADE BY CITIES AND TOWNS FOR THE BENEFIT OF SOLDIERS AND SAILORS IN THE PRESENT WAR WITH SPAIN.

Chap. 529

Be it enacted, etc., as follows:

SECTION 1. Any appropriation already made by any city or town for the benefit of persons entering the military and naval service of the United States or of this Common-

Certain appro-
priations by
cities and
towns legalized.

wealth, in the present war with Spain, or for the benefit of the families of such persons, is hereby legalized and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1898.

Chap.530 AN ACT TO INCREASE THE AMOUNT OF MONEY TO BE PLACED AT THE DISPOSAL OF THE METROPOLITAN PARK COMMISSION FOR GENERAL PURPOSES.

Be it enacted, etc., as follows :

Metropolitan
Parks Loan.

SECTION 1. The metropolitan park commission, created by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, for the purpose of carrying out the provisions of said act and of all acts in amendment thereof or in addition thereto, including chapters four hundred and eighty-three and five hundred and nine of the acts of the year eighteen hundred and ninety-four, and chapter four hundred and fifty of the acts of the year eighteen hundred and ninety-five, may expend the further sum of one million dollars in addition to all sums heretofore authorized to be expended by it; and to meet expenditures incurred under authority of this act the treasurer and receiver general shall issue a corresponding amount of scrip or certificates of indebtedness as an addition to the Metropolitan Parks Loan, and shall add to the existing sinking fund heretofore authorized to provide for the payment of the same. Said scrip or certificates of indebtedness shall be issued and additions to said sinking fund so established shall be assessed and collected in accordance with the provisions of sections nine, ten, eleven and twelve of said chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, and the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-five and chapter five hundred and fifty of the acts of the year eighteen hundred and ninety-six.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1898.

Chap.531 AN ACT TO AUTHORIZE THE CONSTRUCTION OF A DAM ACROSS THE CHARLES RIVER, BETWEEN THE CITIES OF BOSTON AND CAMBRIDGE.

Be it enacted, etc., as follows :

Metropolitan
park commis-
sioners may

SECTION 1. The board of metropolitan park commissioners, constituted under the authority of chapter four

hundred and seven of the acts of the year eighteen hundred and ninety-three, is hereby authorized and directed to construct and maintain a dam, with a suitable lock or locks, across the Charles river, from a point at or about the intersection of Saint Mary's street extended in the city of Boston with said river, and a point in Cambridge nearly opposite Saint Mary's street extended, and for this purpose may exercise, in addition to the powers herein conferred, all the powers conferred upon said board by said chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and all acts in amendment thereof and in addition thereto. Said board is authorized to apply for and take all necessary steps to obtain the approval of the secretary of war or other proper authority of the United States for carrying out the purposes of this act. Each member of said board shall be paid his actual travelling expenses and all such other expenses as may be incurred by him in the performance of his duties under this act, and also any such compensation for services when absent from the Commonwealth as shall be allowed by the governor and council.

construct a
dam across
Charles river.

SECTION 2. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall, with the approval of the governor and council, issue scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding five hundred thousand dollars, for a term not exceeding forty years, such scrip or certificates of debt to be issued at such times, within one year after the approval by the United States government of the building of said dam, as the treasurer and receiver general shall determine. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of January and July in each year, shall be designated on their face as the Charles River Improvement Loan, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth; and the principal and interest shall be paid at the time specified therein in gold coin of the United States; and said scrip or certificates of debt shall be sold and disposed of at public auction or in such other mode, and at such times and prices, and in such amounts, and at such rates of interest, not exceeding the rate above-specified, as the governor and council shall

Charles River
Improvement
Loan.

deem best. The treasurer and receiver general shall on issuing any of said scrip or certificates of debt establish a sinking fund and apportion an amount to be paid thereto each year sufficient with its accumulations to extinguish the debt at maturity. Any premium realized on the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

Commissioners to determine proportion of expense to be borne by each city and town interested.

SECTION 3. The supreme judicial court sitting in equity shall, on the application of said board and after notice to the cities of Boston, Cambridge, Newton, and the town of Watertown, appoint three commissioners, who shall not be residents of said cities or town, who shall after due notice and hearing and in such manner as they shall deem best and equitable determine the proportion in which said cities and town, respectively, shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year of the first issue of said scrip or certificates of debt, to meet the interest and sinking fund requirements for each of said years as estimated by the treasurer of the Commonwealth, and to meet the expenses of maintenance of said dam as estimated by said board and certified by said treasurer, and any deficiency in the amount previously paid in as found by said treasurer, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties. Before the expiration of said term of five years, and every five years thereafter, three such commissioners shall again be appointed as aforesaid, with the same duties and powers with reference to the next succeeding term of five years.

Treasurer and receiver general to estimate amount required each year from each city and town.

SECTION 4. The amount of money required each year from each city and town hereinbefore named to meet the interest and sinking fund requirements and expenses aforesaid for each year, and deficiency, if any, shall be estimated by the treasurer of the Commonwealth in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town, and be assessed upon it in the apportionment and assessment of its annual state tax; and said treasurer shall in each year notify each city and town of the amount of such assessment, and the same shall be paid by the city or town into the treasury of the Commonwealth at the

time required for the payment and as a part of its state tax.

SECTION 5. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all commissioners appointed by said court under the provisions hereof.

Supreme judicial court to enforce provisions of this act.

SECTION 6. No action shall be taken relative to the construction and maintenance of said dam, under the provisions of this act, until all plans therefor have been duly submitted to the board of harbor and land commissioners and received the approval of said board.

Plans to be approved by the harbor and land commissioners.

SECTION 7. This act shall take effect upon its passage.

Approved June 14, 1898.

AN ACT TO AUTHORIZE THE DISSOLUTION OF THE FIRST CONGREGATIONAL SOCIETY IN FAIRHAVEN, AND A CONVEYANCE OF ITS PROPERTY TO THE FIRST CONGREGATIONAL CHURCH OF FAIRHAVEN, MASSACHUSETTS.

Chap. 532

Be it enacted, etc., as follows :

SECTION 1. The First Congregational Society in Fairhaven is hereby authorized to convey to the First Congregational Church of Fairhaven, Massachusetts, all the property, rights, privileges and franchises of said society, by deed of conveyance to be authorized by a vote of said society at a meeting called for the purpose, and also accepted by said church in writing, under authority of a vote of said church at a meeting called for the purpose, and acknowledged and recorded in the registry of deeds for the southern district of the county of Bristol. Upon the execution and record of such conveyance said First Congregational Society in Fairhaven shall be thereby dissolved and discontinued as a separate corporation, and all the rights, powers, privileges and property of said First Congregational Society in Fairhaven shall be vested in said First Congregational Church of Fairhaven, Massachusetts, subject to the same uses and trusts as when held by said society ; and said church shall thereby assume all the liabilities and obligations of said society.

May convey its property, rights, etc.

Upon execution of conveyance society to be dissolved.

SECTION 2. Any person claiming to be aggrieved by the provisions of this act may at any time within six months after such conveyance is duly recorded apply by petition to the superior court for the county of Bristol,

Persons aggrieved may apply for damages, etc.

and the damages, if any, shall be assessed and determined by and under the direction of said court, and shall be paid to said claimant by said First Congregational Church of Fairhaven, Massachusetts.

SECTION 3. This act shall take effect upon its passage.

Approved June 14, 1898.

Chap. 533

AN ACT RELATIVE TO NEGOTIABLE INSTRUMENTS.

Be it enacted, etc., as follows :

NEGOTIABLE INSTRUMENTS IN GENERAL.

FORM AND INTERPRETATION.

Negotiable
instruments,
form, etc.

SECTION 1. An instrument to be negotiable must conform to the following requirements : —

1. It must be in writing and signed by the maker or drawer ;

2. Must contain an unconditional promise or order to pay a sum certain in money ;

3. Must be payable on demand or at a fixed or determinable future time ;

4. Must be payable to order or to bearer ; and

5. Where the instrument is addressed to a drawee he must be named or otherwise indicated therein with reasonable certainty.

Sum payable.

SECTION 2. The sum payable is a sum certain within the meaning of this act, although it is to be paid :

1. With interest ; or

2. By stated instalments ; or

3. By stated instalments, with a provision that, upon default in payment of any instalment or of interest, the whole shall become due ; or

4. With exchange, whether at a fixed rate or at a current rate ; or

5. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

Order or promise to pay.

SECTION 3. An unqualified order or promise to pay is unconditional within the meaning of this act, though coupled with :

1. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount ; or

2. A statement of the transaction which gives rise to the instrument.

But an order or promise to pay only out of a particular fund is not unconditional.

SECTION 4. An instrument is payable at a determinable future time, within the meaning of this act, which is expressed to be payable :

Time of payment.

1. At a fixed period after date or sight ; or
2. On or before a fixed or determinable future time specified therein ; or
3. On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening is uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

SECTION 5. An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which :

Negotiable character of instrument not affected by certain provisions.

1. Authorizes the sale of collateral securities in case the instrument is not paid at maturity ; or
2. Authorizes a confession of judgment if the instrument is not paid at maturity ; or
3. Waives the benefit of any law intended for the advantage or protection of the obligor ; or
4. Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

SECTION 6. The validity and negotiable character of an instrument are not affected by the fact that :

Same subject.

1. It is not dated ; or
2. Does not specify the value given, or that any value has been given therefor ; or
3. Does not specify the place where it is drawn or the place where it is payable ; or
4. Bears a seal ; or
5. Designates a particular kind of current money in which payment is to be made.

But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

SECTION 7. An instrument is payable on demand :

Instrument payable on demand.

1. Where it is expressed to be payable on demand, or at sight, or on presentation ; or

2. In which no time for payment is expressed.

Where an instrument is issued, accepted or indorsed, when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

Payable to order.

SECTION 8. The instrument is payable to order where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order of:

1. A payee who is not maker, drawer, or drawee; or
2. The drawer or maker; or
3. The drawee; or
4. Two or more payees jointly; or
5. One or some of several payees; or
6. The holder of an office for the time being.

Where the instrument is payable to order the payee must be named or otherwise indicated therein with reasonable certainty.

Payable to bearer.

SECTION 9. The instrument is payable to bearer:

1. When it is expressed to be so payable; or
2. When it is payable to a person named therein or bearer; or
3. When it is payable to the order of a fictitious or non-existing person, and such fact was known to the person making it so payable; or
4. When the name of the payee does not purport to be the name of any person; or
5. When the only or last indorsement is an indorsement in blank.

Terms which indicate intention to conform to law sufficient.

SECTION 10. The instrument need not follow the language of this act, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

Date of making, drawing, etc.

SECTION 11. Where the instrument or an acceptance or any indorsement thereon is dated such date is deemed prima facie to be the true date of the making, drawing, acceptance, or indorsement, as the case may be.

Not invalid if ante-dated, etc.

SECTION 12. The instrument is not invalid for the reason only that it is ante-dated or post-dated, provided this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

Holder of certain instruments may insert date, etc.

SECTION 13. Where an instrument expressed to be payable at a fixed period after date is issued undated, or

where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him the date so inserted is to be regarded as the true date.

SECTION 14. Where the instrument is wanting in any material particular the person in possession thereof has a prima facie authority to complete it by filling up the blanks therein. And a signature or a blank paper delivered by the person making the signature, in order that the paper may be converted into a negotiable instrument, operates as a prima facie authority to fill it up as such for any amount. In order however that any such instrument when completed may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given, and within a reasonable time. But if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given, and within a reasonable time.

Incomplete instruments may be completed by person in possession in certain cases, etc.

SECTION 15. Where an incomplete instrument has not been delivered it will not, if completed and negotiated without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before delivery.

Incomplete instruments undelivered not a valid contract in certain cases.

SECTION 16. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional, or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course a valid delivery thereof by all parties prior to him so as to make them liable to him is conclusively presumed. Where the in-

Contract on a negotiable instrument incomplete until delivery, etc.

strument is no longer in the possession of a party whose signature appears thereon a valid and intentional delivery by him is presumed until the contrary is proved.

Rules to apply
where language
is ambiguous,
etc.

SECTION 17. Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply :

1. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two the sum denoted by the words is the sum payable ; but if the words are ambiguous or uncertain reference may be had to the figures to fix the amount ;

2. Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof ;

3. Where the instrument is not dated it will be considered to be dated as of the time it was issued ;

4. Where there is a conflict between the written and printed provisions of the instrument the written provisions prevail ;

5. Where the instrument is so ambiguous that there is doubt whether it is a bill or note the holder may treat it as either at his election ;

6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign he is to be deemed an indorser ;

7. Where an instrument containing the words " I promise to pay " is signed by two or more persons they are deemed to be jointly and severally liable thereon.

Liability of
certain persons
on instrument.

SECTION 18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name.

Signature may
be made by
agent.

SECTION 19. The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose ; and the authority of the agent may be established as in other cases of agency.

Person signing
as agent, etc.,
not liable.

SECTION 20. Where the instrument contains, or a person adds to his signature, words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly

authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability.

SECTION 21. A signature by "procurator" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority.

Signature by
"procurator."

SECTION 22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

Indorsement or
assignment by
a corporation,
etc.

SECTION 23. Where a signature is forged or made without the authority of the person whose signature it purports to be it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party against whom it is sought to enforce such right is precluded from setting up the forgery or want of authority.

Forged signature
inoperative,
etc.

CONSIDERATION.

SECTION 24. Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration, and every person whose signature appears thereon to have become a party thereto for value.

Every person
signing an in-
strument
deemed a party
thereto.

SECTION 25. Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value, and is deemed such whether the instrument is payable on demand or at a future time.

Value, etc.

SECTION 26. Where value has at any time been given for the instrument the holder is deemed a holder for value in respect to all parties who became such prior to that time.

Holder for
value.

SECTION 27. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

Holder having
lien deemed a
holder to extent
of lien.

SECTION 28. Absence or failure of consideration is matter of defence as against any person not a holder in due course; and partial failure of consideration is a defence pro tanto, whether the failure is an ascertained and liquidated amount or otherwise.

Absence of con-
sideration to
be matter of
defence.

Accommodation party, etc.

SECTION 29. An accommodation party is one who has signed the instrument as maker, drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

NEGOTIATION.

Negotiation of instruments.

SECTION 30. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof. If payable to bearer it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder completed by delivery.

Indorsement.

SECTION 31. The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement.

Must be of entire instrument, etc.

SECTION 32. The indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsee severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part it may be indorsed as to the residue.

May be special or in blank.

SECTION 33. An indorsement may be either special or in blank; and it may also be either restrictive, or qualified, or conditional.

Special indorsement.

SECTION 34. A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank does not specify any indorsee, and an instrument so indorsed is payable to bearer and may be negotiated by delivery.

Holder may convert indorsement from blank to special.

SECTION 35. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

When indorsement is restrictive.

SECTION 36. An indorsement is restrictive, which either:

1. Prohibits the further negotiation of the instrument; or

2. Constitutes the indorsee the agent of the indorser;
or

3. Vests the title in the indorsee in trust for or to the use of some other person.

But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

SECTION 37. A restrictive indorsement confers upon the indorsee the right :

Rights of indorsee in cases of restrictive indorsement.

1. To receive payment of the instrument ;

2. To bring any action thereon that the indorser could bring ;

3. To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.

SECTION 38. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse", or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

Qualified indorsement.

SECTION 39. Where an indorsement is conditional a party required to pay the instrument may disregard the condition and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.

Conditional indorsement.

SECTION 40. Where an instrument payable to bearer is indorsed specially it may nevertheless be further negotiated by delivery ; but the person indorsing specially is liable as indorser only to such holders as make title through his indorsement.

Instrument indorsed specially may be further negotiated.

SECTION 41. Where an instrument is payable to the order of two or more payees or indorsees who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others.

Payees or indorsees, not partners, must all indorse, unless, etc.

SECTION 42. Where an instrument is drawn or indorsed to a person as "cashier", or other fiscal officer of a bank or corporation, it is deemed prima facie to be payable to the bank or corporation of which he is such officer, and may be negotiated either by the indorsement of the bank or corporation, or by the indorsement of the officer.

Instrument payable to an officer of a bank, etc., to be payable to such bank, etc.

When name of payee, etc., is misspelled, etc.

SECTION 43. Where the name of a payee or indorsee is wrongly designated or misspelled he may indorse the instrument as therein described, adding, if he thinks fit, his proper signature.

Indorser in a representative capacity.

SECTION 44. Where any person is under obligation to indorse in a representative capacity he may indorse in such terms as to negative personal liability.

Where indorsement bears date after maturity, etc.

SECTION 45. Except where an indorsement bears date after the maturity of the instrument every negotiation is deemed prima facie to have been effected before the instrument was overdue.

Place of indorsement.

SECTION 46. Except where the contrary appears every indorsement is presumed prima facie to have been made at the place where the instrument is dated.

Negotiability of instrument not to cease until, etc.

SECTION 47. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

Holder may strike out indorsement.

SECTION 48. The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out and all indorsers subsequent to him are thereby relieved from liability on the instrument.

Transfer of instrument, etc.

SECTION 49. Where the holder of an instrument payable to his order transfers it for value without indorsing it the transfer vests in the transferee such title as the transferer had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferer. But for the purpose of determining whether the transferee is a holder in due course the negotiation takes effect as of the time when the indorsement is actually made.

Reissue of instrument in certain cases.

SECTION 50. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this act, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

RIGHTS OF THE HOLDER.

Rights of holder.

SECTION 51. The holder of a negotiable instrument may sue thereon in his own name, and payment to him in due course discharges the instrument.

Holder in due course.

SECTION 52. A holder in due course is a holder who has taken the instrument under the following conditions:

1. That it is complete and regular upon its face;

2. That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact ;

3. That he took it in good faith and for value ;

4. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

SECTION 53. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue the holder is not deemed a holder in due course. Negotiation of instrument payable on demand, etc.

SECTION 54. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor he will be deemed a holder in due course only to the extent of the amount theretofore paid by him. Infirmity or defect in title.

SECTION 55. The title of a person who negotiates an instrument is defective within the meaning of this act when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud. Defective instruments, etc.

SECTION 56. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith. Notice of infirmity in instrument.

SECTION 57. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defences available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon. Holder in due course not liable for defect, etc.

SECTION 58. In the hands of any holder other than a holder in due course a negotiable instrument is subject to the same defences as if it were non-negotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter. Rights of holder other than holder in due course.

SECTION 59. Every holder is deemed prima facie to be a holder in due course ; but when it is shown that the Holder to prove title.

title of any person who has negotiated the instrument was defective the burden is on the holder to prove that he or some person under whom he claims acquired the title as holder in due course.' But the last mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

LIABILITIES OF PARTIES.

Liability of
maker.

SECTION 60. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor; and admits the existence of the payee and his then capacity to indorse.

Liability of
drawer.

SECTION 61. The drawer, by drawing the instrument, admits the existence of the payee and his then capacity to indorse; and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it is dishonored, and the necessary proceedings on dishonor are duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negating or limiting his own liability to the holder.

Liability of
acceptor.

SECTION 62. The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance; and admits:

1. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and

2. The existence of the payee and his then capacity to indorse.

When a person
is deemed an
indorser.

SECTION 63. A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

Liability of the
indorser.

SECTION 64. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable as indorser in accordance with the following rules:

1. If the instrument is payable to the order of a third person he is liable to the payee and to all subsequent parties;

2. If the instrument is payable to the order of the

maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer ;

3. If he signs for the accommodation of the payee he is liable to all parties subsequent to the payee.

SECTION 65. Every person negotiating an instrument by delivery or by qualified indorsement warrants : Instrument negotiated by delivery or qualified indorsement.

1. That the instrument is genuine and in all respects what it purports to be ;

2. That he has a good title to it ;

3. That all prior parties had capacity to contract ;

4. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only the warranty extends in favor of no holder other than the immediate transferee. Instrument negotiated by delivery only.

The provisions of subdivision three of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

SECTION 66. Every indorser who indorses without qualification warrants to all subsequent holders in due course : Indorser without qualification.

1. The matters and things mentioned in subdivisions one, two and three of the next preceding section ; and

2. That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, he engages that on due presentment it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it is dishonored, and the necessary proceedings on dishonor are duly taken, he will pay the amount thereof to the holder or to any subsequent indorser who may be compelled to pay it.

SECTION 67. Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liability of an indorser. Liability of the indorser.

SECTION 68. As respects one another indorsers are liable prima facie in the order in which they indorse ; but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally. Indorsers liable in the order in which they indorse.

SECTION 69. Where a broker or other agent negotiates an instrument without indorsement he incurs all the liabilities prescribed by section sixty-five of this act, unless he discloses the name of his principal and the fact that he is acting only as agent. Liability of broker or agent.

PRESENTMENT FOR PAYMENT.

Presentment
for payment.

SECTION 70. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument; but if the instrument is by its terms payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as herein otherwise provided presentment for payment is necessary in order to charge the drawer and indorsers.

Time of
presentment.

SECTION 71. Where the instrument is not payable on demand presentment must be made on the day it falls due. Where it is payable on demand presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

By whom pre-
sentment must
be made.

SECTION 72. Presentment for payment, to be sufficient, must be made:

1. By the holder, or by some person authorized to receive payment on his behalf;
2. At a reasonable hour on a business day;
3. At a proper place as herein defined;
4. To the person primarily liable on the instrument, or, if he is absent or inaccessible, to any person found at the place where the presentment is made.

Place of pre-
sentment.

SECTION 73. Presentment for payment is made at the proper place:

1. Where a place of payment is specified in the instrument and it is there presented;
2. Where no place of payment is specified, but the address of the person to make payment is given in the instrument and it is there presented;
3. Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment;
4. In any other case, if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

Instrument to
be delivered to
party paying.

SECTION 74. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

SECTION 75. Where the instrument is payable at a bank presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

Presentment at bank must be made during banking hours, unless, etc.

SECTION 76. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative, if there is any such, and if, with the exercise of reasonable diligence, he can be found.

Where person liable is dead, etc.

SECTION 77. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

Where persons are liable as partners, etc.

SECTION 78. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all.

Where there are several persons not partners, etc.

SECTION 79. Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

Presentment not required in certain cases.

SECTION 80. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation, and he has no reason to expect that the instrument will be paid if presented.

Same subject.

SECTION 81. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate presentment must be made with reasonable diligence.

Delay in making presentment excused in certain cases.

SECTION 82. Presentment for payment is dispensed with:

Presentment dispensed with in certain cases.

1. Where after the exercise of reasonable diligence presentment as required by this act cannot be made;

2. Where the drawee is a fictitious person;

3. By waiver of presentment, express or implied.

SECTION 83. The instrument is dishonored by non-payment when:

When an instrument is dishonored.

1. It is duly presented for payment and payment is refused or cannot be obtained; or

2. Presentment is excused and the instrument is overdue and unpaid.

Right of
recourse ac-
crued to holder
in certain cases.

SECTION 84. Subject to the provisions of this act, when the instrument is dishonored by non-payment, an immediate right of recourse to all parties secondarily liable thereon accrues to the holder.

Time of pay-
ment.

SECTION 85. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday or a holiday the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday, when that entire day is not a holiday.

*6 grace on sight
to bill of exchange
g. ch. 130.*

Payable at a
fixed period
after date, etc.

SECTION 86. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.

If payable at a
bank, etc.

SECTION 87. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

When payment
is made in due
course.

SECTION 88. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

NOTICE OF DISHONOR.

Notice of dis-
honor.

SECTION 89. Except as herein otherwise provided, when a negotiable instrument has been dishonored by non-acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

How given.

SECTION 90. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up, would have a right to reimbursement from the party to whom the notice is given.

By whom
given.

SECTION 91. Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party is his principal or not.

SECTION 92. Where notice is given by or on behalf of the holder it enures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

Notice given on behalf of holder, etc.

SECTION 93. Where notice is given by or on behalf of a party entitled to give notice it enures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

Notice given on behalf of party entitled to give notice.

SECTION 94. Where the instrument has been dishonored in the hands of an agent he may either himself give notice to the parties liable thereon, or he may give notice to his principal. If he gives notice to his principal he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

To whom notice is given when instrument is dishonored.

SECTION 95. A written notice need not be signed and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

Written notice need not be signed, etc.

SECTION 96. The notice may be in writing or merely oral, and may be given in any terms which sufficiently identify the instrument and indicate that it has been dishonored by non-acceptance or non-payment. It may in all cases be given by delivering it personally or through the mails.

Notice may be in writing or oral, etc.

SECTION 97. Notice of dishonor may be given either to the party himself or to his agent in that behalf.

To whom notice may be given.

SECTION 98. When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there is one, and if with reasonable diligence he can be found. If there is no personal representative notice may be sent to the last residence or last place of business of the deceased.

In case of death of party notice must be given to representative.

SECTION 99. Where the parties to be notified are partners notice to any one partner is notice to the firm, even though there has been a dissolution.

Notice to one member of a firm sufficient.

SECTION 100. Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.

Notice to parties not partners must be given to each.

SECTION 101. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.

Notice in case party is bankrupt, etc.

Notice may be given as soon as instrument is dishonored.

SECTION 102. Notice may be given as soon as the instrument is dishonored; and unless delay is excused as hereinafter provided must be given within the times fixed by this act.

Time of giving notice in certain cases.

SECTION 103. Where the person giving and the person to receive notice reside in the same place notice must be given within the following times:

1. If given at the place of business of the person to receive notice it must be given before the close of business hours on the day following;

2. If given at his residence it must be given before the usual hours of rest on the day following;

3. If sent by mail it must be deposited in the post office in time to reach him in usual course on the day following.

Same subject.

SECTION 104. Where the person giving and the person to receive notice reside in different places the notice must be given within the following times:

1. If sent by mail it must be deposited in the post office in time to go by mail the day following the day of dishonor, or if there is no mail at a convenient hour on that day, by the next mail thereafter.

2. If given otherwise than through the post office, then within the time that notice would have been received in due course of mail if it had been deposited in the post office within the time specified in the last subdivision.

Notice deposited in post office is deemed sufficient.

SECTION 105. Where notice of dishonor is duly addressed and deposited in the post office the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

Same subject.

SECTION 106. Notice is deemed to have been deposited in the post office when deposited in any branch post office or in any letter box under the control of the post office department.

Time given to party receiving notice.

SECTION 107. Where a party receives notice of dishonor he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.

Notice must be sent to special address, etc.

SECTION 108. Where a party has added an address to his signature notice of dishonor must be sent to that address; but if he has not given such address then the notice must be sent as follows:

1. Either to the post office nearest to his place of residence, or to the post office where he is accustomed to receive his letters; or

2. If he lives in one place, and has his place of business in another, notice may be sent to either place ; or

3. If he is sojourning in another place notice may be sent to the place where he is so sojourning.

But where the notice is actually received by the party within the time specified in this act it will be sufficient, though not sent in accordance with the requirements of this section.

SECTION 109. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied.

Notice of dishonor may be waived.

SECTION 110. Where the waiver is embodied in the instrument itself it is binding upon all parties ; but where it is written above the signature of an indorser it binds him only.

Persons upon whom waiver is binding.

SECTION 111. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest but also of presentment and notice of dishonor.

Waiver of protest.

SECTION 112. Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged.

Notice of dishonor dispensed with in certain cases.

SECTION 113. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate notice must be given with reasonable diligence.

Delay in giving notice excused in certain cases.

SECTION 114. Notice of dishonor is not required to be given to the drawer in either of the following cases :

Notice of dishonor not required in certain cases.

1. Where the drawer and drawee are the same person ;

2. Where the drawee is a fictitious person or a person not having capacity to contract ;

3. Where the drawer is the person to whom the instrument is presented for payment ;

4. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument ;

5. Where the drawer has countermanded payment.

SECTION 115. Notice of dishonor is not required to be given to an indorser in either of the following cases :

Same subject.

1. Where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument ;

2. Where the indorser is the person to whom the instrument is presented for payment ;

3. Where the instrument was made or accepted for his accommodation.

Notice of dishonor by non-acceptance, etc.

SECTION 116. Where due notice of dishonor by non-acceptance has been given notice of a subsequent dishonor by non-payment is not necessary, unless in the meantime the instrument has been accepted.

Omission to give notice not to prejudice rights of holder in due course.

SECTION 117. An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission.

Instrument dishonored may be protested.

SECTION 118. Where any negotiable instrument has been dishonored it may be protested for non-acceptance or non-payment as the case may be ; but protest is not required, except in the case of foreign bills of exchange.

DISCHARGE OF NEGOTIABLE INSTRUMENTS.

Discharge of negotiable instruments.

SECTION 119. A negotiable instrument is discharged :

1. By payment in due course by or on behalf of the principal debtor ;

2. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation ;

3. By the intentional cancellation thereof by the holder ;

4. By any other act which will discharge a simple contract for the payment of money ;

5. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

Discharge of person secondarily liable.

SECTION 120. A person secondarily liable on the instrument is discharged :

1. By any act which discharges the instrument ;

2. By the intentional cancellation of his signature by the holder ;

3. By the discharge of a prior party ;

4. By a valid tender of payment made by a prior party ;

5. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved ;

6. By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the

assent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved.

SECTION 121. Where the instrument is paid by a party secondarily liable thereon it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except:

Instrument not discharged when paid by party secondarily liable.

1. Where it is payable to the order of a third person, and has been paid by the drawer; and

2. Where it was made or accepted for accommodation, and has been paid by the party accommodated.

SECTION 122. The holder may expressly renounce his rights against any party to the instrument, before, at, or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

Holder may renounce his rights.

SECTION 123. A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority.

Unintentional cancellation not operative.

SECTION 124. Where a negotiable instrument is materially altered without the assent of all parties liable thereon it is avoided, except as against a party who has himself made, authorized or assented to the alteration, and subsequent indorsers.

Alteration of instrument without assent of all parties renders it void, except, etc.

But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

SECTION 125. Any alteration which changes:

Material alteration defined.

1. The date;
2. The sum payable, either for principal or interest;
3. The time or place of payment;
4. The number or the relations of the parties;
5. The medium or currency in which payment is to be made;

be made;

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

BILLS OF EXCHANGE.

FORM AND INTERPRETATION.

Bills of exchange, form, etc.

SECTION 126. A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinate future time a sum certain in money to order or to bearer.

Liability of drawee.

SECTION 127. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof and the drawee is not liable on the bill unless and until he accepts the same.

May be addressed to two or more drawees jointly.

SECTION 128. A bill may be addressed to two or more drawees jointly whether they are partners or not; but not to two or more drawees in the alternative or in succession.

Inland bill of exchange.

SECTION 129. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this Commonwealth. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill the holder may treat it as an inland bill.

Where drawer and drawee are same person, etc.

SECTION 130. Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

Referee in case of need.

SECTION 131. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need, or not, as he may see fit.

ACCEPTANCE.

Acceptance of bill.

SECTION 132. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed

by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

SECTION 133. The holder of a bill presenting the same for acceptance may require the acceptance to be written on the bill and, if such request is refused, may treat the bill as dishonored.

Holder may require acceptance to be written on bill.

SECTION 134. Where an acceptance is written on a paper other than the bill itself it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

Written acceptance not to bind acceptor, except, etc.

SECTION 135. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

Unconditional promise deemed an acceptance.

SECTION 136. The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance, if given, dates as of the day of presentation.

Time allowed drawee after presentation.

SECTION 137. Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same.

Destruction of bill or refusal to return deemed an acceptance.

SECTION 138. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment. But when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment.

Incomplete bill may be accepted.

SECTION 139. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

Acceptance is general or qualified.

SECTION 140. An acceptance to pay at a particular place is a general acceptance unless it expressly states that the bill is to be paid there only and not elsewhere.

General acceptance.

SECTION 141. An acceptance is qualified, which is:

Qualified acceptance.

1. Conditional, that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated;

2. Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn ;
3. Local, that is to say, an acceptance to pay only at a particular place ;
4. Qualified as to time ;
5. The acceptance of some one or more of the drawees, but not of all.

Holder may
refuse to take
qualified
acceptance, etc.

SECTION 142. The holder may refuse to take a qualified acceptance, and, if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by non-acceptance. Where a qualified acceptance is taken the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance, or subsequently assent thereto. When the drawer or an indorser receives notice of a qualified acceptance he must within a reasonable time express his dissent to the holder, or he will be deemed to have assented thereto.

PRESENTMENT FOR ACCEPTANCE.

Presentment
for acceptance.

SECTION 143. Presentment for acceptance must be made :

1. Where the bill is payable after sight, or in any other case where presentment for acceptance is necessary in order to fix the maturity of the instrument ; or
2. Where the bill expressly stipulates that it shall be presented for acceptance ; or
3. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

Bill must be
presented for
acceptance or
negotiated
within a reason-
able time.

SECTION 144. Except as herein otherwise provided the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fails to do so the drawer and all indorsers are discharged.

Presentment
must be made
at a reasonable
hour, on a
business day,
etc.

SECTION 145. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day and before the bill is overdue, to the drawer or some person authorized to accept or refuse acceptance on his behalf ; and :

1. Where a bill is addressed to two or more drawees

who are not partners presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only ;

2. Where the drawee is dead presentment may be made to his personal representative ;

3. Where the drawee has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

SECTION 146. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections seventy-two and eighty-five of this act. When Saturday is not otherwise a holiday presentment for acceptance may be made before twelve o'clock noon on that day.

Bill may be presented on any day on which negotiable instruments can be presented.

SECTION 147. Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers.

Necessary delay excused.

SECTION 148. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance, in either of the following cases :

When presentment is excused.

1. Where the drawee is dead, or has absconded, or is a fictitious person or a person not having capacity to contract by bill ;

2. Where, after the exercise of reasonable diligence, presentment cannot be made ;

3. Where, although presentment has been irregular, acceptance has been refused on some other ground.

SECTION 149. A bill is dishonored by non-acceptance :

When a bill is considered dishonored.

1. When it is duly presented for acceptance and such an acceptance as is prescribed by this act is refused or cannot be obtained ; or

2. When presentment for acceptance is excused and the bill is not accepted.

SECTION 150. Where a bill is duly presented for acceptance and is not accepted within the prescribed time the person presenting it must treat the bill as dishonored by non-acceptance or he loses the right of recourse against the drawer and the indorsers.

When person presenting a bill loses right of recourse.

When bill is dishonored right of recourse accrues to holder.

SECTION 151. When a bill is dishonored by non-acceptance an immediate right of recourse against the drawers and indorsers accrues to the holder and no presentment for payment is necessary.

PROTEST.

When foreign bill is dishonored by non-acceptance it must be protested, etc.

SECTION 152. Where a foreign bill appearing on its face to be such is dishonored by non-acceptance it must be duly protested for non-acceptance, and where such a bill which has not previously been dishonored by non-acceptance is dishonored by non-payment it must be duly protested for non-payment. If it is not so protested the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill protest thereof in case of dishonor is unnecessary.

Protest must be annexed to the bill, etc.

SECTION 153. The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify:

1. The time and place of presentment;
2. The fact that presentment was made and the manner thereof;
3. The cause or reason for protesting the bill;
4. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

By whom protest may be made.

SECTION 154. Protest may be made by:

1. A notary public; or
2. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

Protest must be made on day of dishonor, unless, etc.

SECTION 155. When a bill is protested such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted the protest may be subsequently extended as of the date of the noting.

Protest must be made at the place where it is dishonored, except, etc.

SECTION 156. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee has been dishonored by non-acceptance it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.

SECTION 157. A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

Bill not accepted may be protested for non-payment.

SECTION 158. Where the acceptor has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

Bill may be protested for better security in certain cases.

SECTION 159. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate the bill must be noted or protested with reasonable diligence.

When protest is dispensed with.

SECTION 160. Where a bill is lost or destroyed or is wrongly detained from the person entitled to hold it protest may be made on a copy or written particulars thereof.

If bill is lost or destroyed protest may be made on copy, etc.

ACCEPTANCE FOR HONOR.

SECTION 161. Where a bill of exchange has been protested for dishonor by non-acceptance or protested for better security and is not overdue, any person not being a party already liable thereon may, with the consent of the holder, intervene and accept the bill *supra* protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party there may be a further acceptance by a different person for the honor of another party.

Acceptance for honor.

SECTION 162. An acceptance for honor *supra* protest must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

Must be in writing.

SECTION 163. Where an acceptance for honor does not expressly state for whose honor it is made it is deemed to be an acceptance for the honor of the drawer.

When not expressly stated it shall be deemed for honor of drawer.

SECTION 164. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

Liability of acceptor for honor.

SECTION 165. The acceptor for honor by such acceptance engages that he will on due presentment pay the bill

Same subject.

according to the terms of his acceptance, provided it shall not have been paid by the drawee, and provided also, that it shall have been duly presented for payment and protested for non-payment and notice of dishonor given to him.

Maturity of bill accepted for honor.

SECTION 166. Where a bill payable after sight is accepted for honor its maturity is calculated from the date of the noting for non-acceptance and not from the date of the acceptance for honor.

When dishonored bill is accepted for honor it must be protested, etc.

SECTION 167. Where a dishonored bill has been accepted for honor *supra* protest or contains a reference in case of need it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need.

Presentment for payment.

SECTION 168. Presentment for payment to the acceptor for honor must be made as follows :

1. If it is to be presented in the place where the protest for non-payment was made it must be presented not later than the day following its maturity ;

2. If it is to be presented in some other place than the place where it was protested then it must be forwarded within the time specified in section one hundred and four.

Certain provisions to apply.

SECTION 169. The provisions of section eighty-one apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

When bill is dishonored by acceptor for honor it must be protested.

SECTION 170. When the bill is dishonored by the acceptor for honor it must be protested for non-payment by him.

PAYMENT FOR HONOR.

Payment for honor.

SECTION 171. Where a bill has been protested for non-payment any person may intervene and pay it *supra* protest for the honor of any person liable thereon or for the honor of the person for whose account it was drawn.

Must be attested by notarial act of honor.

SECTION 172. The payment for honor *supra* protest in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor which may be appended to the protest or form an extension to it.

Notarial act of honor must be founded on declaration made by the payer.

SECTION 173. The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf declaring his intention to pay the bill for honor and for whose honor he pays.

Person whose payment will discharge most parties to be given preference.

SECTION 174. Where two or more persons offer to pay a bill for the honor of different parties the person whose payment will discharge most parties to the bill is to be given the preference.

SECTION 175. Where a bill has been paid for honor all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

Where bill has been paid for honor certain parties discharged.

SECTION 176. Where the holder of a bill refuses to receive payment *supra protest* he loses his right of recourse against any party who would have been discharged by such payment.

Where holder refuses to receive payment he loses right of recourse.

SECTION 177. The payer for honor, on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest.

Payer for honor entitled to both bill and protest.

BILLS IN A SET.

SECTION 178. Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitute one bill.

Bills in a set.

SECTION 179. Where two or more parts of a set are negotiated to different holders in due course the holder whose title first accrues is as between such holders the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him.

Where two or more parts are negotiated to different holders the holder whose title first accrues is the true owner.

SECTION 180. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

Liability of indorsers.

SECTION 181. The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

Acceptance.

SECTION 182. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

Liability of the acceptor.

SECTION 183. Except as herein otherwise provided where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged.

Discharge of one part of a bill discharges the whole set, except, etc.

PROMISSORY NOTES AND CHECKS.

Promissory
notes and
checks.

SECTION 184. A negotiable promissory note within the meaning of this act is an unconditional promise in writing made by one person to another signed by the maker, engaging to pay on demand, or at a fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order it is not complete until indorsed by him.

Checks.

SECTION 185. A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided the provisions of this act applicable to a bill of exchange payable on demand apply to a check.

Presentation
of checks.

SECTION 186. A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

Certification of
check equivalent to acceptance.

SECTION 187. Where a check is certified by the bank on which it is drawn the certification is equivalent to an acceptance.

Acceptance of
check discharges
indorsers.

SECTION 188. Where the holder of a check procures it to be accepted or certified the drawer and all indorsers are discharged from liability thereon.

Liability of
bank to holder.

SECTION 189. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder unless and until it accepts or certifies the check.

GENERAL PROVISIONS.

Negotiable
Instruments
Act.

SECTION 190. This act shall be known as the Negotiable Instruments Act.

Certain terms
defined.

SECTION 191. In this act, unless the context otherwise requires :

“Acceptance” means an acceptance completed by delivery or notification.

“Action” includes counter-claim and set-off.

“Bank” includes any person or association of persons carrying on the business of banking, whether incorporated or not.

“Bearer” means the person in possession of a bill or note which is payable to bearer.

“Bill” means bill of exchange, and “note” means negotiable promissory note.

“Delivery” means transfer of possession, actual or constructive, from one person to another.

“Holder” means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

“Indorsement” means an indorsement completed by delivery.

“Instrument” means negotiable instrument.

“Issue” means the first delivery of the instrument, complete in form to a person who takes it as a holder.

“Person” includes a body of persons, whether incorporated or not.

“Value” means valuable consideration.

“Written” includes printed, and “writing” includes print.

SECTION 192. The person “primarily” liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same. All other parties are “secondarily” liable. Primary liability, etc.

SECTION 193. In determining what is a “reasonable time” or an “unreasonable time” regard is to be had to the nature of the instrument, the usage of trade or business, if any, with respect to such instruments, and the facts of the particular case. Reasonable time, etc., defined.

SECTION 194. Where the day, or the last day, for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day. Instruments falling due on Sunday or a holiday.

SECTION 195. The provisions of this act do not apply to negotiable instruments made and delivered prior to the passage hereof. Not to apply to certain instruments.

SECTION 196. In any case not provided for in this act the rules of the law merchant shall govern. Rules of law merchant to govern.

SECTION 197. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal.

SECTION 198. This act shall take effect on the first day of January in the year eighteen hundred and ninety-nine. When to take effect.

Approved June 15, 1898.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY Chap. 534
TO THE WIDOW OF JAMES M. ELLIS.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to the widow of James M. Ellis late a foreman in Widow of James M. Ellis.

the street department of said city, the balance of salary to which he would have been entitled had he lived and continued to hold his office until the thirty-first day of January in the year eighteen hundred and ninety-nine.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1898.

Chap.535

AN ACT RELATIVE TO DECLARATIONS OF DECEASED PERSONS.

Be it enacted, etc., as follows:

Certain declarations not to be excluded as evidence.

No declaration of a deceased person shall be excluded as evidence on the ground of its being hearsay if it appears to the satisfaction of the judge to have been made in good faith before the beginning of the suit and upon the personal knowledge of the declarant.

Approved June 16, 1898.

Chap.536

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF HAMPDEN TO PAY A SUM OF MONEY TO THE WIDOW OF THE LATE GEORGE ROBINSON.

Be it enacted, etc., as follows:

Widow of George Robinson.

SECTION 1. The county commissioners of the county of Hampden are hereby authorized to pay to the widow of George Robinson late justice of the district court of eastern Hampden, who died on the fifth day of May in the year eighteen hundred and ninety-eight, the balance of salary which he would have been entitled to receive if he had lived and continued to serve as such justice until the end of said year.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1898.

Chap.537

AN ACT RELATIVE TO REINSURANCE CONTRACTS

Be it enacted, etc., as follows:

Applicants to do business of fire insurance to file sworn declaration, etc.

SECTION 1. Whenever an application for admission to this Commonwealth is made by a company, whether of another state of the United States or of a foreign country, for the transaction of the business of fire insurance herein, such company shall, as one of the prerequisites of admission, file a sworn declaration, signed by its president and secretary, or officers corresponding thereto, that it will not reinsure any risk or part thereof taken by it

on any property located in Massachusetts with any company not authorized to transact the business of fire insurance in said Commonwealth, except as is hereinafter provided. Every fire insurance company now or hereafter admitted, shall annually and at such other times as the insurance commissioner may require, in addition to all returns now by law required of it or its agents or managers, make a return to the insurance commissioner in such form and detail as may be prescribed by him, of all reinsurance contracted for or effected by it, directly or indirectly, upon property located in Massachusetts, such return to be certified by the oath of its president and secretary if a company of one of the United States, and, if a company of a foreign country, by its president and secretary, or by officers corresponding thereto, as to reinsurance as aforesaid contracted for or effected through the foreign office, and by the United States manager as to such reinsurance effected by the United States branch; and if any company shall directly or indirectly reinsure any risk taken by it on any property located in Massachusetts in any company not duly authorized to transact business herein, or if it shall refuse or neglect to make the returns required by this act, the insurance commissioner may revoke its authority to transact business in this Commonwealth: *provided, however*, that any company authorized to do business in this Commonwealth may insure and have full authority to reinsure in unauthorized companies any property located in Massachusetts in respect to which an affidavit has been filed within the twelve months next preceding in accordance with the provisions of section eighty-three of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four, in which case the restrictive provision of section twenty of the same chapter as to the amount of section twenty of the same chapter as to the amount which may be insured in a single hazard shall not apply.

Annual return to be made to insurance commissioner, etc.

Proviso.

SECTION 2. Section eighty-four of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the ninth line, the words "of another state or government", and by inserting after the word "therein", in the twelfth line, the words: — except as may be hereafter provided by law, — so as to read as follows: — *Section 84.* Foreign companies admitted to do business in the Commonwealth shall make contracts of insurance upon

1894, 522, § 84, amended.

Foreign insurance companies to do business only through resident agents.

lives, property or interests therein, only by lawfully constituted and licensed resident agents. No policy of insurance issued to a citizen of the Commonwealth by an authorized company organized under the laws of a foreign country shall be invalidated by the occurrence of hostilities between such foreign country and the United States. And no company shall directly or indirectly contract for or effect reinsurance of any risk in Massachusetts with any company not authorized to do business therein, except as may be hereafter provided by law.

Tax to be paid
by insuring
company.

Whenever any company negotiating insurance effects a reinsurance of any part thereof, otherwise than through licensed resident agents, the entire tax thereon shall be paid by the original insuring company and the tax commissioner shall make no deduction on account of such reinsurance.

Marine risks to
be reinsured in
certain cases.

SECTION 3. Any insurance company authorized to do marine business in this Commonwealth may take any risk provided it reinsures the same, if necessary, so that it does not retain for itself of the risk an amount exceeding ten per cent. of its capital and surplus wherever they may be, and also provided that it shall place such reinsurance, if possible, at the time and at not over the original rate, with companies authorized to do marine insurance in Massachusetts; any amount in excess of what can be so placed may be reinsured with other companies, if the company or agent procuring said risk shall file an affidavit to that effect with the insurance commissioner, at such time and in such form as may be prescribed by him.

SECTION 4. This act shall take effect upon its passage.

Approved June 17, 1898.

Chap. 538

AN ACT RELATIVE TO THE ABOLITION OF GRADE CROSSINGS.

Be it enacted, etc., as follows:

1890, 428, § 7,
etc., amended.

SECTION 1. Section seven of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, as amended by chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-three, and by chapter five hundred and forty-five of the acts of the year eighteen hundred and ninety-four, is hereby amended by striking out the whole of said section and inserting in place thereof the following:—

Auditor, duties,
compensation,
etc.

Section 7. The court shall appoint an auditor, who shall

be a disinterested person, not an inhabitant of the city or town in which the crossing is situated, to whom shall from time to time be submitted all accounts of expense, whether incurred by the railroads, city, town, commission or auditor, who shall audit the same and make report thereon to the court; which auditing when accepted by the court shall be final. A certified copy of such report and the decree of the court thereon shall in all cases be filed with the auditor of accounts. The compensation of the auditor shall be determined in accordance with the provisions of law relative to the compensation of auditors appointed by the superior court in civil cases. Said court shall from time to time issue its decrees for payment on the part of the railroad corporation, not exceeding the amounts apportioned to it by said auditor, and for the payment on the part of the Commonwealth, not exceeding the amounts apportioned to the Commonwealth and to the city or town; and such city or town shall repay to the Commonwealth the amount apportioned to the city or town by said auditor, with interest thereon, payable annually at the rate of four per cent. per annum, from the date of the acceptance of the report of the auditor. Such repayment of the principal shall be made annually in such amounts as the auditor of the Commonwealth may designate; and the amount of payment designated for the year, with the interest due on the outstanding principal, shall be included by the treasurer and receiver general in, and made a part of, the sum charged to such city or town, and be assessed upon it in the apportionment and assessment of its annual state tax; and said treasurer shall in each year notify such city or town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax: *provided, however*, that when the last and final assessment, assessed as above, on cities and towns, becomes due and is paid, the treasurer of the Commonwealth shall pay to said cities and towns so paying, as an offset to and a reduction of such last payment, an amount equal to the excess, if any, of the amount of interest already assessed and collected from cities and towns under this section, above the actual interest cost to the Commonwealth for money borrowed for the abolition of grade crossings previous to the payment of said last assessment by the cities and towns as aforesaid; and said

Payment of
expenses, etc.

Proviso.

excess of interest, if any, so paid shall be on the exact amounts repaid to the Commonwealth by cities and towns on which interest has been collected under the provisions of this act, and no more.

SECTION 2. This act shall take effect upon its passage.

Approved June 17, 1898.

Chap. 539 AN ACT RELATIVE TO THE CONSTRUCTION AND REPAIR OF STATE HIGHWAYS.

Be it enacted, etc., as follows:

Construction
and repair of
state highways.

SECTION 1. The Massachusetts highway commission is hereby authorized to expend a sum not exceeding four hundred thousand dollars for the construction and repair of state highways, in accordance with the provisions of the statutes relating to and defining the powers and duties of said commission. Said commission may make contracts during the present calendar year for the whole amount hereby authorized to be expended, but the contracts shall be so made that the amount to be paid from the state treasury during the present calendar year shall not exceed three hundred thousand dollars.

Only citizens to
be employed.

SECTION 2. No persons except citizens of this Commonwealth shall be employed on the work authorized by this act.

State Highway
Loan.

SECTION 3. For the purpose of meeting any expenses which may be incurred under the provisions of this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding four hundred thousand dollars, for a term not exceeding thirty years. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annually on the first day of April and of October in each year. Such scrip or certificates of indebtedness shall be designated on their face as the State Highway Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth; and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent, and said scrip or certificates of indebtedness shall be sold and disposed of at public auction, or

in such other manner, at such times and prices, in such amounts and at such rates of interest, not exceeding the rate above specified, as shall be deemed best. The sinking fund established by chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-four shall also be maintained for the purpose of providing for the payment of the bonds issued under the authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

SECTION 4. This act shall take effect upon its passage.

Approved June 17, 1898.

AN AN RELATIVE TO STREETS AND LANDS IN THE NEIGHBORHOOD OF PARKS, PARKWAYS AND BOULEVARDS IN THE CITY OF BOSTON. *Chap. 540*

Be it enacted, etc., as follows:

SECTION 1. The board of park commissioners of the city of Boston may authorize connections to be made of public ways with any boundary road of any public park or with any parkway or boulevard now or hereafter placed under the charge of said board, according to such directions, widths and grades, and with such curb and other surface construction for the parts of such ways situated within the distance of five hundred feet from a park, parkway or boulevard as they shall prescribe, whether any such directions, widths and grades are shown on any plan, or whether any such way has been laid out or constructed under the provisions of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof or in addition thereto, or otherwise.

SECTION 2. Said board of park commissioners shall have power to plant trees, place seats, standpipes, drinking fountains, and works of art on said parts of ways, and may establish reasonable rules and regulations relating to the displaying of advertisements and to the height and the character of fences placed upon said parts of ways, as they shall deem the public interests require.

Sinking fund.

Public ways to be connected with parkways and boulevards.

May plant trees, place seats, etc.

Penalty.

SECTION 3. Any person violating any such rules or regulations shall for each day that such violation continues forfeit and pay a fine not exceeding twenty dollars.

Approved June 20, 1898.

Chap. 541

AN ACT TO EXEMPT THE TOWN OF BOXFORD FROM MAINTAINING A HIGH SCHOOL AND FROM PAYING THE TUITION OF PUPILS LIVING IN SAID TOWN AND ATTENDING A HIGH SCHOOL IN ANOTHER TOWN OR CITY.

Be it enacted, etc., as follows:

Town of Box-
ford exempt
from maintain-
ing high school,
etc.

SECTION 1. So long as there shall be provided in the Barker free school, a school maintained in the town of Boxford, free instruction satisfactory to a majority of the school committee of said town in all the branches usually taught in a high school in a town containing less than four thousand inhabitants, for all pupils living in said town of Boxford who may wish to attend said school, said town shall be exempt from all requirements of law now or hereafter in force requiring it to maintain a high school, or if it is not required by law to maintain a high school, from such requirements of law now or hereafter in force as may require it to pay the tuition of pupils living in said town and attending a high school in another town or city: *provided*, that nothing in this act shall relieve the town of Boxford from existing laws as to the furnishing of free text-books; and *provided, further*, that said town shall furnish transportation, free of charge, for all pupils residing in said town who may wish to attend said school, and whose place of residence in said town is more than two miles distant from said school.

Provision.

SECTION 2. This act shall take effect upon its passage.

Approved June 20, 1898.

Chap. 542

AN ACT RELATIVE TO THE BOSTON SOCIETY OF THE NEW JERUSALEM.

Be it enacted, etc., as follows:

May take and
hold real and
personal estate
not exceeding
in value
\$500,000.

SECTION 1. The Boston Society of the New Jerusalem, in addition to the power given in the second section of its charter of incorporation and in acts in addition thereto, may take and hold for religious, charitable and educational purposes, in fee simple or otherwise, by gift, grant, devise or purchase, any real or personal estate to an amount not exceeding in all the sum of five hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 20, 1898.

AN ACT TO ESTABLISH THE GREYLOCK STATE RESERVATION IN THE *Chap.543*
COUNTY OF BERKSHIRE.

Be it enacted, etc., as follows :

SECTION 1. Within thirty days after the passage of this act the governor, with the advice and consent of the council, shall appoint a commission to be known as the Greylock Reservation Commission, consisting of three persons, all of whom shall be residents of the county of Berkshire, one member of said commission to be appointed for the term of two years, one for the term of four years and one for the term of six years ; and there shall be one member of said commission appointed in like manner every two years thereafter, to serve for the term of six years from the date of appointment. The members of the commission shall serve without compensation.

Greylock
Reservation
Commission.

SECTION 2. The commission is hereby authorized and directed to take, by purchase, gift or otherwise, land not to exceed ten thousand acres in extent, situate in the Greylock mountain range in the towns of Williamstown, New Ashford, Cheshire, Adams and the city of North Adams ; and the land acquired under the provisions of this act shall be known as the Greylock State Reservation.

Land may be
taken for a
state reserva-
tion.

SECTION 3. To carry out the purposes of this act the sum of twenty-five thousand dollars shall be allowed and paid out of the treasury of the Commonwealth.

Appropriation.

SECTION 4. The commission shall have the same powers in acquiring land for the Greylock state reservation which are given to the metropolitan park commission, established by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, and shall be vested with full power and authority to care for, protect and maintain the same on behalf of the Commonwealth.

Powers of the
commission.

SECTION 5. The necessary expense for the care and maintenance of the Greylock state reservation shall be annually estimated by the Greylock reservation commission, and if approved and accepted by the county commissioners of the county of Berkshire, shall be embodied in the estimate annually submitted by them to the general court, and shall be assessed upon said county and collected in the same manner as county taxes.

Expenses for
care and
maintenance of
reservation to
be estimated
annually.

SECTION 6. The county treasurer of said county shall hold, subject to the order of the Greylock reservation

Greylock State
Reservation
Fund.

commission, all sums raised by taxation in the manner provided in section five of this act, and all other sums that may be donated to said commission for the purposes of the reservation, as the Greylock State Reservation Fund.

Appropriation not available until certain property has been acquired.

SECTION 7. This act shall take effect upon its passage, but the sum herein allowed from the treasury of the Commonwealth shall not be available for the acquirement of the lands specified in this act, until the title to certain property now held by a corporation known as the Greylock Park Association, shall have been transferred to the Commonwealth.

Approved June 20, 1898.

Chap. 544 AN ACT TO REQUIRE THE STATE BOARD OF AGRICULTURE TO TAKE CHARGE OF THE WORK OF EXTERMINATING THE BROWN TAIL MOTH.

Be it enacted, etc., as follows:

State board of agriculture to have charge of work of extermination of the brown tail moth.

SECTION 1. Whenever the pest known as the brown tail moth is discovered in any city or town of this Commonwealth, it shall be the duty of the state board of agriculture to take immediate steps to prevent its spread; and, in the discharge of the duty imposed upon said board by this act, said board is hereby vested with all the powers now conferred upon it by law in exterminating the gypsy moth, and may expend of the money heretofore appropriated for the extermination of the gypsy moth a sum not exceeding ten thousand dollars.

Penalty for obstructing the work of the board.

SECTION 2. Any person who purposely resists or obstructs said state board of agriculture or any person or persons in its employ, while engaged in the execution of the purposes of this act shall be punished by a fine not exceeding twenty-five dollars for each offence.

Penalty for bringing the brown tail moth, etc., into this Commonwealth.

SECTION 3. It shall be unlawful for any person knowingly to bring the insect known as the brown tail moth, or its nests or eggs into this Commonwealth, or for any person knowingly to transport said insect or its nests or eggs from any town or city to another town or city within this Commonwealth, except while engaged in and for the purposes of destroying them. Any person who violates the provisions of this section shall be punished by a fine not exceeding two hundred dollars or by imprisonment in the house of correction not exceeding sixty days, or by both said fine and imprisonment.

SECTION 4. Chapter five hundred and sixteen of the acts of the year eighteen hundred and ninety-seven is hereby repealed.

Repeal.

Approved June 20, 1898.

AN ACT RELATIVE TO CONTRACTS FOR THE CONDITIONAL SALE OF
PERSONAL PROPERTY.

Chap. 545

Be it enacted, etc., as follows:

Section two of chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-four, as amended by chapter four hundred and eleven of the acts of the year eighteen hundred and ninety-two, is hereby amended by striking out the word "upon", in the first line, and inserting in place thereof the word:— before, — by inserting after the word "thereon", in the sixth line, the words:— and shall make a demand in writing for the balance then due, at least thirty days before taking possession, — and by inserting after the word "furnished", in the eleventh line, the words:— and such demand made, and until the thirty days above-named have expired, — so as to read as follows:— *Section 2.* The vendor before taking possession of such furniture or effects for non-compliance with the terms of such contract of sale, shall furnish the vendee or other person in charge of such furniture or effects an itemized statement of the account showing the amount then due thereon, and shall make a demand in writing for the balance then due, at least thirty days before taking possession; and the fifteen days provided by section thirteen of chapter one hundred and ninety-two of the Public Statutes during which the vendee shall have the right to redeem the furniture or household effects so taken shall not begin to run until such statement is furnished and such demand made, and until the thirty days above-named have expired, provided the vendee or other person in charge can be found by the vendor by the exercise of reasonable care and diligence. And in all cases where seventy-five per centum or more has been paid upon the contract price by the vendee, upon default in the conditions of the lease by the vendee, after the expiration of the fifteen days as now provided by law, for the vendee's equity of redemption, the goods so forfeited shall be sold by the vendor at public auction when the vendee or his legal representative shall request in writing the vendor so to do, and the sale shall be duly advertised

1884, 313, § 2,
etc., amended.

Conditional
sales of furni-
ture, etc.;
itemized state-
ment to be
furnished, etc.

Sales to be
advertised, etc.

in one of the principal newspapers published in the city or town where the goods are situated, or if there is no such paper, in one of the principal newspapers published in such county, notice to be published at least three days prior to the time of the sale, and the balance of the price of said sale, after deducting the balance due the vendor on the contract price and the actual expenses of the auction sale, shall be paid to the vendee or his legal representatives, and in case the vendor refuses or neglects to sell as provided herein, the right to redeem shall not be deemed to have been foreclosed. *Approved June 21, 1898.*

Chap. 546 AN ACT TO APPORTION AND ASSESS A STATE TAX OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS.

Be it enacted, etc., as follows :

State tax apportioned and assessed.

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say : —

Abington, thirteen hundred and thirty-five dollars.
 Acton, eight hundred and seventy dollars.
 Acushnet, three hundred and sixty dollars.
 Adams, twenty-six hundred and ten dollars.
 Agawam, seven hundred and sixty-five dollars.
 Alford, one hundred and five dollars.
 Amesbury, three thousand and fifteen dollars.
 Amherst, seventeen hundred and fifty-five dollars.
 Andover, twenty-eight hundred and twenty dollars.
 Arlington, forty-six hundred and thirty-five dollars.
 Ashburnham, five hundred and seventy dollars.
 Ashby, two hundred and eighty-five dollars.
 Ashfield, two hundred and eighty-five dollars.
 Ashland, six hundred and forty-five dollars.
 Athol, twenty-two hundred and ninety-five dollars.
 Attleborough, thirty-one hundred and thirty-five dollars.
 Auburn, three hundred and thirty dollars.
 Avon, four hundred and sixty-five dollars.
 Ayer, seven hundred and sixty-five dollars.
 Barnstable, twenty-two hundred and thirty-five dollars.
 Barre, eight hundred and twenty-five dollars.
 Becket, two hundred and fifty-five dollars.
 Bedford, five hundred and fifty-five dollars.
 Belchertown, five hundred and ten dollars.

State tax apportioned and assessed.

Bellingham, four hundred and twenty dollars.
 Belmout, twenty-four hundred and forty-five dollars.
 Berkley, two hundred and fifty-five dollars.
 Berlin, two hundred and seventy dollars.
 Bernardston, two hundred and fifty-five dollars.
 Beverly, eighty-one hundred and fifteen dollars.
 Billerica, eleven hundred and seventy dollars.
 Blackstone, fourteen hundred and eighty-five dollars.
 Blandford, two hundred and fifty-five dollars.
 Bolton, two hundred and seventy dollars.
 Boston, five hundred thirty-six thousand six hundred and seventy dollars.
 Bourne, eleven hundred and fifty-five dollars.
 Boxborough, one hundred and twenty dollars.
 Boxford, five hundred and ten dollars.
 Boylston, three hundred dollars.
 Braintree, twenty-six hundred and ten dollars.
 Brewster, three hundred and fifteen dollars.
 Bridgewater, fourteen hundred and ten dollars.
 Brimfield, two hundred and forty dollars.
 Brockton, fourteen thousand two hundred and fifty dollars.
 Brookfield, eight hundred and forty dollars.
 Brookline, thirty-six thousand three hundred and sixty dollars.
 Buckland, three hundred and forty-five dollars.
 Burlington, two hundred and seventy dollars.
 Cambridge, forty-eight thousand one hundred and ninety-five dollars.
 Canton, twenty-four hundred and thirty dollars.
 Carlisle, one hundred and eighty dollars.
 Carver, four hundred and eighty dollars.
 Charlemont, two hundred and ten dollars.
 Charlton, five hundred and forty dollars.
 Chatham, five hundred and twenty-five dollars.
 Chelmsford, thirteen hundred and five dollars.
 Chelsea, twelve thousand seven hundred and sixty-five dollars.
 Cheshire, four hundred and five dollars.
 Chester, three hundred and seventy-five dollars.
 Chesterfield, one hundred and sixty-five dollars.
 Chicopee, fifty-three hundred and seventy dollars.
 Chilmark, one hundred and twenty dollars.
 Clarksburg, one hundred and fifty dollars.
 Clinton, thirty-nine hundred and seventy-five dollars.
 Cohasset, thirty-one hundred and five dollars.
 Colrain, three hundred and sixty dollars.
 Concord, twenty-three hundred and eighty-five dollars.
 Conway, three hundred and ninety dollars.
 Cottage City, eight hundred and forty dollars.

State tax apportioned and assessed.

Cummington, one hundred and sixty-five dollars.
 Dalton, sixteen hundred and twenty dollars.
 Dana, one hundred and eighty dollars.
 Danvers, twenty-eight hundred and twenty dollars.
 Dartmouth, fourteen hundred and eighty-five dollars.
 Dedham, forty-four hundred and fifty-five dollars.
 Deerfield, seven hundred and thirty-five dollars.
 Dennis, seven hundred and fifty dollars.
 Dighton, four hundred and eighty dollars.
 Douglas, six hundred dollars.
 Dover, five hundred and fifty-five dollars.
 Dracut, ten hundred and eighty dollars.
 Dudley, six hundred and fifteen dollars.
 Dunstable, one hundred and sixty-five dollars.
 Duxbury, nine hundred dollars.
 East Bridgewater, eight hundred and eighty-five dollars.
 East Longmeadow, three hundred and seventy-five dollars.
 Eastham, one hundred and eighty dollars.
 Easthampton, sixteen hundred and five dollars.
 Easton, twenty-seven hundred and thirty dollars.
 Edgartown, four hundred and five dollars.
 Egremont, two hundred and fifty-five dollars.
 Enfield, four hundred and fifty dollars.
 Erving, two hundred and forty dollars.
 Essex, six hundred and fifteen dollars.
 Everett, eighty-one hundred and thirty dollars.
 Fairhaven, thirteen hundred and thirty-five dollars.
 Fall River, thirty-eight thousand seven hundred and thirty dollars.
 Falmouth, thirty-seven hundred and ninety-five dollars.
 Fitchburg, twelve thousand five hundred and ten dollars.
 Florida, ninety dollars.
 Foxborough, ten hundred and eighty dollars.
 Framingham, fifty-one hundred and thirty dollars.
 Franklin, seventeen hundred and twenty-five dollars.
 Freetown, four hundred and ninety-five dollars.
 Gardner, twenty-eight hundred and ninety-five dollars.
 Gay Head, fifteen dollars.
 Georgetown, six hundred dollars.
 Gill, two hundred and seventy dollars.
 Gloucester, eighty-eight hundred and ninety-five dollars.
 Goshen, seventy-five dollars.
 Gosnold, one hundred and twenty dollars.
 Grafton, thirteen hundred and ninety-five dollars.
 Granby, two hundred and fifty-five dollars.
 Granville, two hundred and ten dollars.
 Great Barrington, two thousand and eighty-five dollars.
 Greenfield, thirty-three hundred and ninety dollars.

State tax appor-
tioned and
assessed.

Greenwich, one hundred and fifty dollars.
Groton, fifteen hundred and ninety dollars.
Groveland, five hundred and seventy dollars.
Hadley, five hundred and fifty-five dollars.
Halifax, one hundred and fifty dollars.
Hamilton, nine hundred and seventy-five dollars.
Hampden, two hundred and twenty-five dollars.
Hancock, one hundred and eighty dollars.
Hanover, seven hundred and ninety-five dollars.
Hanson, three hundred and ninety dollars.
Hardwick, eight hundred and eighty-five dollars.
Harvard, five hundred and fifty-five dollars.
Harwich, six hundred and ninety dollars.
Hatfield, five hundred and eighty-five dollars.
Haverhill, fourteen thousand and eighty-five dollars.
Hawley, ninety dollars.
Heath, ninety dollars.
Hingham, twenty-four hundred and sixty dollars.
Hinsdale, three hundred and ninety dollars.
Holbrook, seven hundred and eighty dollars.
Holden, six hundred and seventy-five dollars.
Holland, forty-five dollars.
Holliston, nine hundred and fifteen dollars.
Holyoke, eighteen thousand two hundred and eighty-five dol-
lars.
Hopedale, nineteen hundred and sixty-five dollars.
Hopkinton, ten hundred and fifty dollars.
Hubbardston, three hundred and seventy-five dollars.
Hudson, seventeen hundred and eighty-five dollars.
Hull, eighteen hundred and sixty dollars.
Huntington, two hundred and eighty-five dollars.
Hyde Park, fifty-one hundred and thirty dollars.
Ipswich, seventeen hundred and twenty-five dollars.
Kingston, nine hundred dollars.
Lakeville, three hundred dollars.
Lancaster, sixteen hundred and eighty dollars.
Lanesborough, two hundred and fifty-five dollars.
Lawrence, twenty thousand two hundred and five dollars.
Lee, ten hundred and twenty dollars.
Leicester, thirteen hundred and sixty-five dollars.
Lenox, nineteen hundred and twenty dollars.
Leominster, thirty-seven hundred and five dollars.
Leverett, one hundred and sixty-five dollars.
Lexington, twenty-five hundred and ninety-five dollars.
Leyden, one hundred and sixty-five dollars.
Lincoln, ten hundred and twenty dollars.
Littleton, four hundred and ninety-five dollars.
Longmeadow, four hundred and twenty dollars.

State tax apportioned and assessed.

Lowell, thirty-nine thousand seven hundred and twenty dollars.
Ludlow, seven hundred and twenty dollars.
Lunenburg, four hundred and twenty dollars.
Lynn, twenty-eight thousand and ninety-five dollars.
Lynnfield, three hundred and forty-five dollars.
Malden, fifteen thousand six hundred and ninety dollars.
Manchester, forty-two hundred and sixty dollars.
Mansfield, ten hundred and sixty-five dollars.
Marblehead, thirty-one hundred and ninety-five dollars.
Marion, five hundred and forty dollars.
Marlborough, fifty-one hundred dollars.
Marshfield, seven hundred and eighty dollars.
Mashpee, one hundred and five dollars.
Mattapoisett, eight hundred and seventy dollars.
Maynard, twelve hundred dollars.
Medfield, seven hundred and ninety-five dollars.
Medford, ten thousand and twenty dollars.
Medway, seven hundred and ninety-five dollars.
Melrose, sixty-six hundred and forty-five dollars.
Mendon, three hundred and fifteen dollars.
Merrimac, seven hundred and thirty-five dollars.
Methuen, twenty-one hundred and ninety dollars.
Middleborough, twenty-three hundred and ten dollars.
Middlefield, one hundred and thirty-five dollars.
Middleton, three hundred dollars.
Milford, thirty-one hundred and sixty-five dollars.
Milbury, twelve hundred and ninety dollars.
Millis, three hundred and ninety dollars.
Milton, ten thousand eight hundred and ninety dollars.
Monroe, ninety dollars.
Monson, ten hundred and ninety-five dollars.
Montague, twenty-one hundred dollars.
Monterey, one hundred and thirty-five dollars.
Montgomery, seventy-five dollars.
Mount Washington, forty-five dollars.
Nahant, thirty-one hundred and eighty dollars.
Nantucket, seventeen hundred and fifty-five dollars.
Natick, thirty-three hundred and thirty dollars.
Needham, seventeen hundred and eighty-five dollars.
New Ashford, thirty dollars.
New Bedford, thirty-one thousand nine hundred and five dollars.
New Braintree, two hundred and twenty-five dollars.
New Marlborough, three hundred dollars.
New Salem, one hundred and sixty-five dollars.
Newbury, six hundred dollars.
Newburyport, fifty-seven hundred and sixty dollars.

Newton, twenty-nine thousand seven hundred and seventy-five dollars.	State tax apportioned and assessed.
Norfolk, two hundred and eighty-five dollars.	
North Adams, fifty-two hundred and five dollars.	
North Andover, nineteen hundred and twenty dollars.	
North Attleborough, twenty-two hundred and five dollars.	
North Brookfield, eleven hundred and seventy dollars.	
North Reading, two hundred and eighty-five dollars.	
Northampton, sixty-four hundred and ninety-five dollars.	
Northborough, seven hundred and twenty dollars.	
Northbridge, twenty-two hundred and fifty dollars.	
Northfield, five hundred and seventy dollars.	
Norton, four hundred and eighty dollars.	
Norwell, five hundred and seventy dollars.	
Norwood, twenty hundred and forty dollars.	
Oakham, one hundred and eighty dollars.	
Orange, nineteen hundred and sixty-five dollars.	
Orleans, three hundred and seventy-five dollars.	
Otis, one hundred and twenty dollars.	
Oxford, seven hundred and eighty dollars.	
Palmer, sixteen hundred and twenty dollars.	
Paxton, one hundred and sixty-five dollars.	
Peabody, forty-three hundred and eighty dollars.	
Pelham, one hundred and five dollars.	
Pembroke, three hundred and sixty dollars.	
Pepperell, twelve hundred dollars.	
Peru, sixty dollars.	
Petersham, three hundred and sixty dollars.	
Phillipston, one hundred and fifty dollars.	
Pittsfield, eighty-four hundred and fifteen dollars.	
Plainfield, ninety dollars.	
Plymouth, thirty-nine hundred and forty-five dollars.	
Plympton, one hundred and eighty dollars.	
Prescott, ninety dollars.	
Princeton, four hundred and eighty dollars.	
Provincetown, eleven hundred and forty dollars.	
Quincy, ten thousand and five dollars.	
Randolph, twelve hundred and sixty dollars.	
Raynham, four hundred and eighty dollars.	
Reading, twenty-two hundred and eighty dollars.	
Rehoboth, four hundred and five dollars.	
Revere, forty-nine hundred and thirty-five dollars.	
Richmond, one hundred and eighty dollars.	
Rochester, two hundred and eighty-five dollars.	
Rockland, seventeen hundred and twenty-five dollars.	
Rockport, fifteen hundred and forty-five dollars.	
Rowe, one hundred and twenty dollars.	
Rowley, three hundred and ninety dollars.	

State tax apportioned and assessed.

Royalston, three hundred dollars.
 Russell, two hundred and fifty-five dollars.
 Rutland, three hundred and fifteen dollars.
 Salem, sixteen thousand and five dollars.
 Salisbury, three hundred and seventy-five dollars.
 Sandisfield, one hundred and ninety-five dollars.
 Sandwich, five hundred and forty dollars.
 Saugus, eighteen hundred and thirty dollars.
 Savoy, ninety dollars.
 Scituate, thirteen hundred and five dollars.
 Seekonk, four hundred and ninety-five dollars.
 Sharon, ten hundred and five dollars.
 Sheffield, four hundred and ninety-five dollars.
 Shelburne, five hundred and ten dollars.
 Sherborn, four hundred and thirty-five dollars.
 Shirley, four hundred and thirty-five dollars.
 Shrewsbury, five hundred and eighty-five dollars.
 Shutesbury, ninety dollars.
 Somerset, six hundred and fifteen dollars.
 Somerville, twenty-seven thousand and seventy-five dollars.
 South Hadley, thirteen hundred and twenty dollars.
 Southampton, two hundred and seventy dollars.
 Southborough, nine hundred and ninety dollars.
 Southbridge, twenty-three hundred and eighty-five dollars.
 Southwick, three hundred dollars.
 Spencer, twenty-three hundred and twenty-five dollars.
 Springfield, thirty-seven thousand and sixty-five dollars.
 Sterling, four hundred and eighty dollars.
 Stockbridge, eighteen hundred and thirty dollars.
 Stoneham, twenty-six hundred and seventy dollars.
 Stoughton, seventeen hundred and ten dollars.
 Stow, three hundred and seventy-five dollars.
 Sturbridge, five hundred and ten dollars.
 Sudbury, six hundred and thirty dollars.
 Sunderland, two hundred and forty dollars.
 Sutton, seven hundred and thirty-five dollars.
 Swampscott, thirty-one hundred and eighty dollars.
 Swanzey, five hundred and fifty-five dollars.
 Taunton, eleven thousand seven hundred and forty-five dollars.
 Templeton, eight hundred and ten dollars.
 Tewksbury, eight hundred and eighty-five dollars.
 Tisbury, five hundred and ten dollars.
 Tolland, seventy-five dollars.
 Topsfield, four hundred and thirty-five dollars.
 Townsend, six hundred and forty-five dollars.
 Truro, one hundred and ninety-five dollars.
 Tyngsborough, two hundred and twenty-five dollars.
 Tyringham, one hundred and twenty dollars.

State tax appor-
tioned and
assessed.

Upton, six hundred dollars.
 Uxbridge, twelve hundred and seventy-five dollars.
 Wakefield, thirty-nine hundred and sixty dollars.
 Wales, one hundred and sixty-five dollars.
 Walpole, thirteen hundred and five dollars.
 Waltham, ten thousand three hundred and twenty dollars.
 Ware, twenty-four hundred and thirty dollars.
 Wareham, twelve hundred and forty-five dollars.
 Warren, thirteen hundred and eighty dollars.
 Warwick, one hundred and ninety-five dollars.
 Washington, one hundred and twenty dollars.
 Watertown, fifty-two hundred and ninety-five dollars.
 Wayland, nine hundred dollars.
 Webster, twenty-two hundred and thirty-five dollars.
 Wellesley, four thousand and ninety-five dollars.
 Wellfleet, four hundred and twenty dollars.
 Wendell, one hundred and thirty-five dollars.
 Wenham, four hundred and thirty-five dollars.
 West Boylston, seven hundred and five dollars.
 West Bridgewater, five hundred and seventy dollars.
 West Brookfield, four hundred and fifty dollars.
 West Newbury, five hundred and ten dollars.
 West Springfield, twenty-six hundred and fifty-five dollars.
 West Stockbridge, two hundred and seventy dollars.
 West Tisbury, two hundred and twenty-five dollars.
 Westborough, sixteen hundred and sixty-five dollars.
 Westfield, forty-five hundred and ninety dollars.
 Westford, seven hundred and ninety-five dollars.
 Westhampton, one hundred and thirty-five dollars.
 Westminster, four hundred and five dollars.
 Weston, twenty-one hundred and sixty dollars.
 Westport, nine hundred and fifteen dollars.
 Westwood, five hundred and seventy dollars.
 Weymouth, thirty-nine hundred and fifteen dollars.
 Whately, two hundred and seventy dollars.
 Whitman, two thousand and seventy dollars.
 Wilbraham, four hundred and fifty dollars.
 Williamsburg, five hundred and ten dollars.
 Williamstown, fifteen hundred and thirty dollars.
 Wilmington, five hundred and fifty-five dollars.
 Winchendon, thirteen hundred and ninety-five dollars.
 Winchester, four thousand and ninety-five dollars.
 Windsor, one hundred and five dollars.
 Winthrop, thirty-one hundred and thirty-five dollars.
 Woburn, fifty-seven hundred dollars.
 Worcester, fifty-six thousand five hundred and five dollars.
 Worthington, one hundred and eighty dollars.
 Wrentham, eight hundred and forty dollars.
 Yarmouth, nine hundred and sixty dollars.

Treasurer to
issue warrant.

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of chapter eleven of the Public Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

Payment of
assessments.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth day of December in the year eighteen hundred and ninety-eight, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the Commonwealth at some time before the first day of October in the year eighteen hundred and ninety-eight.

Notice to treasurers of delinquent cities and towns.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per cent. per month during such delinquency from and after the tenth day of December in the year eighteen hundred and ninety-eight; and if the same remains unpaid after the first day of January in the year eighteen hundred and ninety-nine, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

SECTION 5. This act shall take effect upon its passage.

Approved June 21, 1898.

AN ACT TO AUTHORIZE THE METROPOLITAN PARK COMMISSION TO
CONSTRUCT A BRIDGE ACROSS THE SAUGUS RIVER. *Chap. 547*

Be it enacted, etc., as follows :

SECTION 1. The metropolitan park commission, created by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, is hereby authorized to construct a bridge over the Saugus river from the Point of Pines, so-called, in Revere on the south, to the Lynn shore on the north, with suitable connections with the Revere Beach Reservation, as laid out by the said metropolitan park commission, and also with existing thoroughfares on the Lynn shore. Said commission is authorized to expend for said purpose the sum of one hundred thousand dollars ; and to meet any expenditure under the authority of this act the treasurer and receiver general shall issue a corresponding amount of scrip or certificates of indebtedness or bonds as an addition to the Metropolitan Parks Loan, Series Two. The sinking fund already established by law shall also be maintained for the purpose of extinguishing scrip, certificates or bonds issued under the authority of this act. Any premium realized on the sale of said scrip, certificates or bonds shall be applied to the payment of the interest on the loan hereby authorized, as it accrues. Said scrip, certificates or bonds shall be issued and said sinking fund assessed and collected in accordance with the provisions of chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four and chapter five hundred and fifty of the acts of the year eighteen hundred and ninety-six.

Metropolitan park commission to construct a bridge over the Saugus river.

Metropolitan Parks Loan, Series Two.

Sinking fund.

SECTION 2. No persons except citizens of this Commonwealth shall be employed on the work authorized by this act.

Only citizens of the Commonwealth to be employed.

SECTION 3. This act shall take effect upon its passage.

Approved June 21, 1898.

AN ACT TO REVISE AND CODIFY THE LAWS RELATIVE TO ELECTIONS. *Chap. 548*

Be it enacted, etc., as follows :

TITLE I.

1. GENERAL PROVISIONS.

SECTION 1. Terms used in this act and in statutes relating to elections shall, unless other meaning is clearly apparent from the language or context, or unless they are

Certain terms defined.

Certain terms
defined.

inconsistent with the manifest intent of the legislature, be construed as follows :

“ Assessors ” shall mean the assessors of taxes of a city or town.

“ Caucus ” shall apply to any public meeting of the voters of a ward of a city, or of a town, or of a representative district held under this act for the nomination of a candidate for election, for the selection of delegates to a political convention, or for the appointment of a political committee.

“ Caucus officers ” shall apply to chairmen, wardens, secretaries, clerks and inspectors, and, when on duty, to additional officers specially elected, or elected to fill a vacancy, and taking part in the conduct of caucuses.

“ City election ” shall apply to any election held in a city for the choice of a city officer by the voters whether for a full term or for the filling of a vacancy.

“ City officer ” shall apply to any person to be chosen by the voters at a city election.

“ Election ” shall apply to the taking of a vote upon a proposed amendment to the constitution ; upon the question of granting licenses for the sale of intoxicating liquors ; and upon any other question by law submitted to the voters.

“ Election officer ” shall apply to wardens, clerks, inspectors and ballot clerks, and to their deputies when on duty, and also to selectmen, town clerks, moderators and tellers when taking part in the conduct of elections.

“ Elective office ” shall apply to any office to be filled by the voters at any state, city or town election.

“ Official ballot ” shall mean a ballot prepared for any election or caucus by public authority and at public expense.

“ Political committee ” shall apply only to a committee elected in pursuance of this act.

“ Political convention ” shall apply only to such a convention called and held in pursuance of this act.

“ Political party ” shall apply to a party which at the preceding annual state election polled for governor at least three per cent. of the entire vote cast in the Commonwealth for that office.

“ Polling place ” shall apply to a room or place provided by a city or town for an election or caucus.

“ Presiding officer ” shall apply to the warden or chair-

man at a caucus, to the warden, chairman of the selectmen, moderator or town clerk in charge of a polling place at an election, or to a justice of the peace acting as moderator at a town meeting; or, in the absence of any such officer, to the deputy warden or the clerk or senior inspector or senior selectman present who shall have charge of a polling place.

Certain terms defined.

“Registrars” shall mean the board of registrars of voters of a city or town or the board of election commissioners of the city of Boston when applicable.

“State election” shall apply to any election held for the choice of a national, state, district or county officer by the voters whether for a full term, or for the filling of a vacancy.

“State officer” shall apply to any person to be chosen at a state election.

“Town election” shall apply to any meeting held for the election of town officers by the voters, whether for a full term or for the filling of a vacancy.

“Town elections or meetings at which official ballots are used” shall be construed to mean town elections or meetings in towns to which section three hundred and sixty applies.

“Town officer” shall apply to any person to be chosen at a town meeting.

“Two leading political parties” shall apply to the political parties which cast the highest and next highest number of votes for governor at the preceding annual state election.

SECTION 2. In all elections of civil officers by the people, the person receiving the highest number of votes for an office shall be deemed and declared to be elected to such office; and if two or more persons are to be elected to the same office, the several persons, to the number to be chosen to such office, receiving the highest number of votes, shall be deemed and declared to be elected; but persons receiving the same number of votes shall not be deemed to be elected if thereby a greater number would be elected than are by law to be chosen.

Persons receiving the highest number of votes to be deemed elected, etc.

SECTION 3. All elections in cities which by charter or statute are to be held on a Monday, shall be held on the Tuesday next succeeding such Monday.

Elections in cities to be held on Tuesdays, etc.

SECTION 4. In computing the period of time prescribed in any statute relating to elections, Sundays and holidays shall generally be included; but when the last

Computing period of time in election laws.

day of such period falls on a Sunday or on a holiday the succeeding day shall be considered the final day of such period; and when the first day of such period falls on a Sunday or on a holiday, the day preceding shall be considered the first day of the period.

Time to be allowed for voting of employees.

SECTION 5. No person entitled to vote at a state election shall, upon the day of any such election, be employed in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, during the period of two hours after the opening of the polls in the voting precinct or town in which he is entitled to vote, if he shall make application for leave of absence during such period.

Sale, etc., of intoxicating liquors on election days.

SECTION 6. No common victualler having a license of the first, second or third class mentioned in section ten of chapter one hundred of the Public Statutes, for the sale of intoxicating liquors under the provisions of said chapter, and no person, other than a wholesale druggist, having a license therefor of the fourth or fifth class mentioned in said section ten, shall sell, give away or deliver on the licensed premises any such liquors on the day on which a state, city or annual town election is held in the city or town in which such premises are situated; and no innkeeper having a license for the sale of intoxicating liquors as aforesaid shall, on the day of any such election, sell, give away or deliver in his inn any such liquors to other than guests duly registered therein: except that this section shall not apply, in case of an election held in a city on a day other than that of the annual city election therein, to wards in which no election is held.

Places for posting lists and notices.

SECTION 7. All lists, notices and copies of laws relating to elections, required by law to be posted, shall be posted at the places in which the voting lists are required by law to be posted; or as near as may be thereto.

Ballot boxes and apparatus, regulations as to use.

SECTION 8. The board of aldermen of a city or the selectmen of a town may make regulations not inconsistent with the provisions of this act relative to the use of ballot boxes and seals, counting and other apparatus, the receiving of ballots, and the counting and returning of votes.

Certain powers and duties vested in the board of election commissioners of the city of Boston.

SECTION 9. All the powers and duties relating to elections by law vested in and imposed upon the mayor and aldermen, the city clerk or the board of registrars of voters in cities, excepting the power and duty of giving notice of

elections, and fixing the days and hours of holding the same, shall, in the city of Boston, be vested in and performed by the board of election commissioners of said city, who shall be subject to all penalties prescribed for failure to perform the said duties.

SECTION 10. In any criminal prosecution for the violation of any law relating to the registration, qualification or assessment of voters, or relating to voting lists or ballots, if the defendant relies upon the invalidity, informality or irregularity of such registration, qualification or assessment, or of such voting lists or ballots, or matters or things pertaining thereto, he shall prove such invalidity, irregularity or informality; and until such proof the presumption shall be that such registration, qualification or assessment, or voting lists or ballots, are valid and regular, and in accordance with law; but the validity, regularity or formality of such registration, qualification or assessment of voters, or of such voting lists or ballots, or matters or things pertaining thereto, may also be proved in any other legal manner.

Registration,
etc., to be
deemed regular
in criminal
prosecutions.

SECTION 11. In any criminal prosecution for the violation of any law relating to caucuses or elections, if the defendant relies upon the invalidity, irregularity or informality of any caucus or election, or upon the failure or neglect of any officer or person to do or perform any act or thing whatsoever in relation to any caucus or election, or matters or things pertaining thereto, he shall prove such invalidity, irregularity, informality, failure or neglect: and until such proof the presumption shall be that such caucus or election was valid and regular, and that such officer or person acted as prescribed by law; and the testimony of the clerk of the city or town, wherein it is alleged that such election was held, or of the presiding officer, secretary or clerk of such caucus, that such election or caucus was actually held, shall be *prima facie* evidence that the same was regularly and duly held; but the validity or regularity of such caucus or election may also be proved in any other legal manner.

Caucus or
election to be
deemed regular
in criminal
prosecutions.

SECTION 12. The provisions of this act, so far as they are the same as those of existing statutes, shall be construed as a continuation of such statutes, and not as new enactments: and the repeal by this act of any provision of law shall not affect any act done, liability incurred, or any right accrued and established, or any suit or

How act is to
be construed.

Repeal not to
affect, etc.

prosecution, civil or criminal, pending or to be instituted to enforce any right or penalty or punish any offence under the authority of the repealed statutes.

TITLE II.

1. QUALIFICATIONS OF VOTERS.

Qualifications of
male voters.

SECTION 13. Every male citizen of twenty-one years of age or upwards, not being a pauper or person under guardianship, who is able to read the constitution of the Commonwealth in the English language and to write his name, and who has resided within the Commonwealth one year and within the city or town in which he claims a right to vote, six calendar months next preceding a state, city or town election, may have his name entered upon the list of voters in such city or town, and shall have the right to vote therein in any such election, or in any meeting held for the transaction of town affairs, upon complying with the requirements hereinafter set forth; and, except as above provided, no male person shall have his name entered upon the list of voters, or have the right to vote, except that no person who is prevented from reading or writing as aforesaid by a physical disability, or who had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, shall, if otherwise qualified, be deprived of the right to vote by reason of not being able so to read or write; and no person having served in the army or navy of the United States in the time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town; and further, no person, otherwise qualified to vote for national or state officers shall, by reason of a change of residence within the Commonwealth, be disqualified from voting for such officers in the city or town from which he has removed his residence, until the expiration of six calendar months from the time of such removal.

Soldiers, etc.,
not to be dis-
qualified on ac-
count of receiv-
ing aid.

Change of resi-
dence not to
disqualify in
certain cases.

Qualifications
of female
voters, etc.

SECTION 14. Every female citizen having the qualifications of a male voter required by the preceding section may have her name entered upon the list of voters for school committee, and shall have the right to vote for

members of the school committee, upon complying with the requirements hereinafter set forth.

SECTION 15. A person qualified to vote in a city or town divided into wards or voting precincts, shall be registered and be entitled to vote in the ward or voting precinct in which he resided on the first day of May preceding the election, or, if he became an inhabitant of such city or town after such first day of May, in the ward or voting precinct in which he first became a resident.

Place of registration and voting.

2. ASSESSMENT OF POLL TAXES AND LISTS OF PERSONS ASSESSED.

SECTION 16. The assessors, assistant assessors, or one or more of them, shall annually, in the month of May or June, visit every building in their respective cities and towns, and, after diligent inquiry, shall make true lists containing, as nearly as they can ascertain, the name, age, occupation and residence, on the first day of May in the current year, and the residence on the first day of May in the preceding year, of every male person twenty years of age or upwards, residing in their respective cities and towns, liable to be assessed for a poll tax; and shall inquire at the residences of the women voters whose names are contained in the list transmitted to them by the registrars under section forty-five of this act whether such women voters are resident thereat, and shall thereupon make true lists of the women voters found by them.

Assessors to make lists of male persons liable to a poll tax.

To make lists of women voters.

The assessors shall, upon the personal application of an assessed person for the correction of any error in their original lists, and whenever informed of any such error, make due investigation, and, upon proof thereof, correct the same on their books. They shall cause all applications, certificates and affidavits received by them under this section to be preserved for two years.

Assessors to correct errors.

To preserve papers for two years.

SECTION 17. The assessors shall from time to time, and before the fifteenth day of July in each year, transmit to the registrars of voters the lists made as provided in the preceding section, or certified copies thereof, and shall promptly transmit to the registrars and to the collector of taxes notice of every addition to and correction in the lists made by them; and every assessor, assistant assessor and collector of taxes shall furnish all informa-

To transmit to registrars and collectors lists, notices, etc.

tion in his possession necessary to aid the registrars in the performance of their duties.

Assessors of cities and certain towns to prepare street lists, etc.

SECTION 18. The assessors of cities shall, on or before the fifteenth day of July in each year, and the assessors of towns having over five thousand inhabitants according to the latest census, state or national, shall, on or before the first day of August in each year, prepare street lists containing the names of all persons assessed by them for poll taxes for the current year, which lists shall, for cities and for towns divided into voting precincts, be arranged by voting precincts. They shall print such lists in pamphlet form, shall deliver to the registrars as many copies thereof as they may require, and hold the remaining copies for public distribution. In all other towns the assessors shall, on or before the first day of August in each year, cause lists of all persons assessed therein for poll taxes to be prepared and conspicuously posted in two or more public places in every such town.

Assessors of certain towns to post lists of assessed polls.

Form and contents of street lists.

SECTION 19. The assessors shall name or designate in such street lists all buildings used as residences, in their order on the street where they are located, by giving the number or other definite description of each building, so that it can be readily identified, and shall place opposite to or under each number or other description of a building, the name, age and occupation of every person residing therein on the first day of May of the current year and assessed for a poll tax, and his residence on the first day of May of the preceding year.

Assessment of a person not previously assessed.

SECTION 20. If a male person resident in a city or town on the first day of May was not assessed for a poll tax, he shall, in order to establish his right to assessment, present to the assessors a statement, under oath, that he was on said day a resident of such city or town and liable to pay a poll tax therein, and also a list under oath of his polls and estate, and shall also produce before the assessors two witnesses, who shall testify, under oath, that they are registered voters of the ward or town in which such person desires to be registered, and that the statement of the applicant is true.

A person becoming a resident after May 1, and desiring to be registered, to present a state-

Any male person becoming a resident of a city or town after the first day of May and desiring to be registered as a voter, shall present to the assessors a statement, under oath, that he has been a resident of such city or

town for six months immediately preceding the election at which he claims the right to vote, and shall also produce before the assessors two witnesses, who shall testify, under oath, that they are registered voters of the ward or town in which such person desires to be registered, and that the statement of the applicant is true.

ment to assessors, etc.

If the assessors are satisfied that such statements are true, they shall, in the first case, assess such applicant for his polls and estate and give him a certificate of assessment, and in the second, give him a certificate that he has been a resident in such city or town the six months preceding such election: *provided, however*, that in Boston no person shall be assessed as above provided later than the first day of October.

Applicant to be assessed, etc.

Proviso.

SECTION 21. The assessors shall enter the name and residence of each person thus assessed or certified, in a book provided for that purpose, and opposite to each name the names, occupations and residences of the persons who have testified as above provided.

Records to be kept.

In every place where voters are registered, the registrars, and in every place where oaths are administered as required by this act, the assessors, shall post in a conspicuous place a copy of sections three hundred and eighty-five and three hundred and eighty-six of this act, printed on white paper with black ink, in type not less than one quarter of an inch wide.

Copies of sections prescribing penalties to be posted.

SECTION 22. The assessors shall hold such day and such evening sessions as shall be necessary to carry out the provisions of the two preceding sections.

Sessions of assessors.

SECTION 23. All assessments made in accordance with section twenty of this act shall be subject to the provisions of section seventy-three of chapter eleven of the Public Statutes, and shall be entered in the tax list of the collector of taxes and be collected by him according to law.

Assessments to be subject to P. S. 11, § 73, etc.

SECTION 24. The city or town clerk or registrar of deaths in each city or town shall, on the first day of every month, and also two days before every election, transmit to the registrars of voters a list of the names of all residents of such city or town of twenty-one years of age or upwards, who died in the preceding month, or since the date of the list previously transmitted, with a statement of the ward, street and number therein, if any, where such person resided at his death.

Names, etc., of certain persons deceased to be sent to registrars.

3. REGISTRARS OF VOTERS.

Registrars in
certain cities,
appointment.

SECTION 25. In every city which, by vote of the city council approved by the mayor, accepts the provisions of this section, or which has accepted the corresponding provisions of earlier laws, or which is now subject to similar provisions of law, there shall be a board of registrars of voters, consisting of four persons, who shall be appointed by the mayor with the approval of the board of aldermen.

Term of office.

When a board of registrars is first appointed after the acceptance of the provisions aforesaid, two registrars shall be appointed in the month of March or April next succeeding such acceptance, for terms respectively of three and four years, beginning with the first day of May next ensuing. The city clerk of such city shall cease to be a member of the board of registrars on such first day of May, but the remaining two members of the existing board of registrars of such city whose terms do not then expire shall continue to hold office for their respective terms of one and two years. In every year succeeding such first appointments the mayor shall, in the month of March or April, subject to the approval of the board of aldermen, appoint one person to be a registrar of voters for the term of four years, beginning with the first day of May next ensuing. The board of registrars so constituted shall, in the month of May in each year, before transacting any other business, elect one of its members as clerk, who shall perform all the duties required by law of a city clerk when acting as clerk of the board of registrars.

City clerk to
cease to be a
member.

Clerk to be
elected.

Registrars in
certain cities
and towns,
appointment.

SECTION 26. In every city, except Boston and cities to which the provisions of the preceding section apply, and in every town having three hundred registered voters, as provided in the following section, there shall be a board of registrars of voters, consisting of the city or town clerk, and, in addition, three persons who shall, in a city, be appointed by the mayor, with the approval of the aldermen, and, in a town, by a writing signed by the selectmen, and filed with the town clerk. When a board of registrars is first appointed, the registrars shall be appointed in the month of March or April, for terms respectively of one, two and three years, beginning with the first day of May next ensuing. In the month of March or April in every year succeeding the original

Terms of office.

appointment, as aforesaid, one registrar shall be appointed for the term of three years, beginning with the first day of May next ensuing.

SECTION 27. In every town having less than three hundred registered voters, as herein provided, the selectmen and the town clerk shall constitute a board of registrars of voters; but when three hundred voters shall be registered therein for the annual state election, a board of registrars shall, in the succeeding year, be appointed, as provided in the preceding section, which shall continue to perform the duties of registration therein, until for three successive years the number of registered voters shall be less than three hundred, whereupon, on the first day of May following the annual state election in such third year, such board shall cease to exist and thereafter the selectmen and town clerk shall constitute a board of registrars of voters.

Registrars in small towns.

SECTION 28. In the original and in each succeeding appointment and in the filling of vacancies, registrars of voters shall be so appointed that the members of the board shall, as equally as may be, represent the two leading political parties at the preceding state election, and in no case shall an appointment be so made as to cause a board to consist of more than two members, including the city or town clerk, of the same political party.

Registrars, political representation.

SECTION 29. Whenever, upon written complaint to the mayor or to the selectmen, it shall appear, after notice and hearing, that the city or town clerk, when a member of the board of registrars, and two registrars are of the same political party, the mayor or selectmen, as the case may be, shall remove from office the one of such two registrars having the shorter term. Whenever, upon like proceedings, it shall appear, after notice and hearing, that a registrar of voters, other than the city or town clerk, has ceased to act with the political party which he was appointed to represent, the mayor or selectmen, as the case may be, shall remove him from office.

Equal representation to be preserved.

SECTION 30. Whenever a member of the board of registrars shall be disabled by sickness or other cause from performing the duties of his office, or shall, at the time of any meeting of said board, be absent from the city or town, the mayor or the selectmen may, upon the request in writing of a majority of the remaining members of the board, appoint in writing some person to fill such tempo-

Temporary vacancies in board.

rary vacancy, who shall be of the same political party as the member whose position he is appointed to fill. Such temporary registrar shall perform the duties and be subject to the requirements and penalties provided by law for a registrar of voters.

Registrars,
oath of office,
compensation.

SECTION 31. The registrars and assistant registrars hereinafter provided for shall, before entering upon their official duties, each take and subscribe an oath faithfully to perform the same, and shall receive such compensation for their services as the city council or selectmen may determine; but such compensation shall not be regulated by the number of names registered by them, and a reduction of compensation shall apply only to registrars appointed thereafter. The city council or selectmen shall provide office room for the registrars, and such aid as they may need. The city or town clerk, when a member of a board of registrars, shall act as clerk thereof, shall keep a full and accurate record of its proceedings, and shall cause such notices as the registrars may require to be properly served or posted.

Office room,
etc., to be pro-
vided.

Registrars,
term of office.

SECTION 32. Each registrar shall, unless sooner removed, hold his office for the term for which he is appointed and until his successor is appointed and qualified.

Assistant regis-
trars in cities
except Boston,
appointment,
etc.

SECTION 33. A city council, except in the city of Boston, may authorize the registrars to appoint assistant registrars for the term of one year, beginning with the first day of October, unless sooner removed by the registrars, and they shall, as nearly as may be, equally represent the different political parties.

Powers and
duties, etc.

SECTION 34. The registrars in a city authorizing the appointment of assistant registrars may cause the duties devolving upon a single registrar to be performed by one or two assistant registrars, and they may designate two assistant registrars, so far as practicable, of different political parties, for the sessions required by law to be held outside of their principal office. The registrars shall make suitable regulations for the government of the assistant registrars, whose doings shall be subject to their revision and acceptance. Assistant registrars shall be subject to the same obligations and penalties as registrars. Registrars may remove an assistant registrar, and may fill any vacancy in the number of assistant registrars for the remainder of a term.

Registrars to
make regula-
tions, etc.

SECTION 35. No person shall be appointed a registrar or assistant registrar who is not a voter of the city or town for which he is appointed, or who holds an office by election or appointment under the government of the United States or of the Commonwealth, except as a justice of the peace, notary public, or an officer of the state militia, or who holds an office in the city or town for which he is appointed either by election or by direct appointment of the mayor or of the selectmen. The acceptance by a registrar or assistant registrar of an office which he is prohibited from holding, shall vacate his office as registrar or assistant registrar.

Registrars and assistant registrars not to hold other office, etc.

4. REGISTRATION OF VOTERS.

SECTION 36. Every city and town shall provide the registrars of voters with suitable rooms in which to hold their official sessions.

Registration quarters.

SECTION 37. The registrars shall hold such day and such evening sessions as the town by a by-law or the city by an ordinance shall prescribe, and such other sessions as they deem necessary.

Sessions of registrars.

They shall hold at least one session at some suitable and convenient place in every city or town on or before the Saturday last preceding the first caucus preceding the annual state election, to give an opportunity to qualified voters to register.

Session to be held pending first caucus, etc.

In cities they shall hold a continuous session from twelve o'clock noon until ten o'clock in the evening on the twentieth day preceding the annual state election, and a like continuous session on the twentieth day preceding the annual city election.

Sessions in cities.

In towns they shall hold a continuous session from twelve o'clock noon until ten o'clock in the evening on the Saturday last but one preceding the annual state election, and a like continuous session on the Saturday last but one preceding the annual town meeting. In towns divided into voting precincts they shall, not more than twenty days before the annual state election and also not more than twenty days before the annual town meeting, but in each case on or before the last day fixed for registration, hold at least one session at some suitable place within the limits of each voting precinct. In towns not

Sessions in towns.

divided into voting precincts they shall, not more than twenty days before the annual state election and also not more than twenty days before the annual town meeting, but in each case on or before the last day fixed for registration, hold sessions in two or more suitable places.

Sessions to be held in certain villages or localities upon petition.

If in any such town ten or more voters residing in or near a village or locality distant two or more miles from the usual place of registration shall, not less than eighteen days before the annual state election or the annual town meeting, file a petition with the town clerk stating that in such village or locality there are at least ten citizens who are entitled and desire to be registered, the registrars shall hold a session at some suitable place in such village or locality before the last day fixed for registration. The time and place of registration shall be the same for male and female applicants.

When registration shall cease.

SECTION 38. In every city registration shall cease at ten o'clock in the evening on the twentieth day preceding the annual state election, and at ten o'clock in the evening on the twentieth day preceding the annual city election. In every town registration shall cease at ten o'clock in the evening on the Saturday last but one preceding the annual state election, and at ten o'clock in the evening on the Saturday last but one preceding the annual town meeting.

Registration for special elections.

SECTION 39. The registrars shall, in some suitable place, hold a continuous session from twelve o'clock noon until ten o'clock in the evening on the fourth day, or in Boston on the seventh day, preceding a special election. Registration shall cease at ten o'clock in the evening of the day on which such session is held.

Registration when final day falls on Sunday or holiday.

SECTION 40. When the final day for registration of voters falls on Sunday or on a holiday, the day preceding such Sunday or holiday shall be the final day for such registration.

Any registrar may examine applicants, etc.

SECTION 41. Any registrar may, at a place appointed for registration, on the days and during the hours designated for the purpose, receive applications for registration and examine applicants and witnesses under oath, but all doings of one registrar shall be subject to the revision and acceptance of the board.

Entering names on registers after close of registration, etc.

SECTION 42. The registrars shall not, after ten o'clock in the evening of a day on which registration is to cease, register any person as a voter until after the next election,

but they may enter or correct upon the registers the names of persons whose qualifications as voters have been examined between the preceding thirtieth day of April and the close of registration. They shall, in every case, require the vote by virtue of which such entry or correction is made to be attested by their clerk.

SECTION 43. They shall post or publish notices, stating the places and hours for holding all sessions, the final sessions preceding any election, and that after ten o'clock in the evening of the last day fixed for registration they will not, until after the next election, add any name to the registers except the names of voters examined as to their qualifications between the preceding thirtieth day of April and the close of registration.

Notices of sessions for registration, etc.

SECTION 44. They shall keep in general registers records of all persons, male and female, registered as qualified to vote in the city or town. They shall enter therein the name of every such voter written in full, or instead thereof the surname and first Christian name or that name by which he is generally known, written in full, and the initial of every other name which he may have, and also his age, place of birth, residence on the preceding first day of May, or at the time of becoming an inhabitant of the city or town after said day, the date of his registration and his residence at such date, his occupation and the place thereof, the name and location of the court which has issued to him letters of naturalization and the date thereof, if he is a naturalized citizen, and any other particulars necessary fully to identify him.

Records to be kept in general register.

The general registers shall have uniform headings in substantially the following form, and blank books suitable for the purpose shall be provided by the secretary of the Commonwealth at cost to registrars applying for them.

Blank books to be furnished.

When Registered.	Name.	Signature of Applicant.	Residence May 1, or subsequent date.	Age.	Place of Birth.	Occupation.	Place of Occupation.	Minutes of Naturalization Court Issuing Letters and Date of Naturalization.	Residence at Date of Registration.	Remarks.

Form.

Annual register, entries, arrangement, etc.

Proviso.

Registrars to make inquiries, investigations, etc.

To transmit to assessors lists of women voters, etc.

Registration, personal application necessary in certain cases.

Male applicant to present tax bill or certificate, etc.

SECTION 45. The registrars shall, after the first day of May, prepare an annual register containing the names of all qualified voters in such city or town for the current year, beginning with such first day of May. Such names shall be arranged in alphabetical order, and, opposite to the name of each voter, his residence on the first day of May preceding, or on any subsequent day when he became an inhabitant of the city or town. The registrars shall enter in the annual register every name contained in the lists of persons assessed for a poll tax for the current year, as transmitted to them by the assessors, giving as his residence on the first day of May the place at which he was assessed a poll tax; and likewise the name and residence, as aforesaid, of every woman voter whose name is contained in the list of women voters transmitted to them, as provided in section seventeen of this act: *provided*, that in every case they are able to identify the name so transmitted to them as that of a man or woman whose name was borne on the voting list of such city or town at the last preceding election or town meeting. They shall make all inquiries and investigations necessary to identify such person, and they shall not enter in the annual register the name of a person objected to by any registrar until such person has been duly notified and given an opportunity to be heard by them. They shall also forthwith enter in the annual register the name of every person, whose qualifications as a voter have been determined by them in the current year, and whose name has accordingly been entered in the general register. They shall also annually, before the first day of May, transmit to the assessors a list of the women whose names are contained upon the register of voters, with their residences, as they appear on the register of the preceding year.

SECTION 46. Every person, male or female, whose name has not been entered in the annual register in accordance with the preceding section must, in order to be registered as a voter, apply in person for registration and prove that he is qualified to register.

SECTION 47. Every male applicant for registration shall present a tax bill or notice from the collector of taxes, or a certificate from the assessors showing that he was assessed as a resident of the city or town on the preceding first day of May, or a certificate that he became a resident therein at least six months preceding the next

election, and the same shall be accepted by the registrars as prima facie evidence of his residence.

SECTION 48. If the qualifications of an applicant have not been determined by the registrars within the four years preceding his application, the registrar shall examine him under oath relative thereto, and shall, unless he is prevented by physical disability, or unless he had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, require him to write his name in the general register and to read in such manner as to show that he is neither prompted nor reciting from memory. Registrars shall be provided by the secretary of the Commonwealth with a copy of the constitution of the Commonwealth printed on uniform pasteboard slips, each containing five lines of said constitution printed in double small pica type. The registrars shall place said slips in the box provided by the secretary of the Commonwealth, which shall be so constructed as to conceal them from view. Each applicant shall be required to draw one of said slips from the box and read aloud the five lines printed thereon, in full view and hearing of the registrars. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by a registrar before another drawing is made. No person failing to read the constitution as printed on the slip thus drawn shall be registered as a voter. The registrars shall keep said slips in said box at all times. The secretary of the Commonwealth shall upon request provide new slips to replace those worn out or lost.

Examination when qualifications of applicant have not been determined within four years.

Registrars to be supplied with constitution on slips.

Applicant to read from slip drawn from box.

No person to be registered who fails to read slip, etc.

SECTION 49. If an applicant for registration is a naturalized citizen, the registrars shall require him to produce for inspection his papers of naturalization, and to make oath that he is the identical person named therein, and shall, if satisfied that the applicant has been legally naturalized, make upon his papers a memorandum of the date of such inspection. When papers of naturalization have once been examined and record thereof made in the general register, the registrars need not again require their production.

Registration of naturalized citizens.

SECTION 50. If, upon examination, the registrars are satisfied that an applicant for registration has all the qualifications of a voter, except that of age, and that he will on or before the day of the next election or town meet-

Registration of minors.

ing, attain full age, they shall place his name upon the registers.

Applicant to be notified of rejection, etc.

SECTION 51. If the registrars decline to register the name of any person examined for registration, and reported to them therefor by any registrar, they shall notify such person of their refusal, and give him a reasonable opportunity to be heard by them upon his application. They shall upon the rejection of an applicant forthwith inform him of such rejection.

Revision and correction of registers.

SECTION 52. The registrars shall, from time to time, revise and correct the general register and the current annual register in accordance with any facts which may be presented to them. They shall strike therefrom the name of every deceased person which has been transmitted to them by the city or town clerk or the registrar of deaths in accordance with section twenty-four of this act; but after the name of a voter has been placed upon the current annual register, they shall not strike it therefrom unless the voter has deceased, nor change the place of residence as given thereon until they have sent to him a notice of their intention so to do and given him an opportunity to be heard.

Illegal or incorrect registration.

SECTION 53. If a complaint in writing under oath shall be made in a city fourteen days at least, or in a town four days at least, before an election or town meeting, to the registrars by a registered voter, stating that the complainant has reason to believe and does believe that a certain person by him therein named has been illegally or incorrectly registered, and setting forth the reasons for such belief, the registrars shall examine into such complaint, and if satisfied that there is sufficient ground therefor they shall summon the person complained of to appear before them at a certain place and time before the next election or town meeting, to answer to the matters set forth in the complaint, and the substance of the complaint and a copy of this and the following section shall be set forth in the summons. Service of the summons shall be made by an officer qualified to serve civil or criminal process, not more than fourteen days nor less than forty-eight hours before the day named for appearance, by the delivery in hand of a copy of the summons to the person therein summoned, or by leaving it at the place of alleged illegal or incorrect registration, if the officer finds that such person resides there, or if he was

Service of summons, etc.

formerly there and has changed his residence then the summons shall be served by leaving it at the place to which he has moved, if it is within the officer's jurisdiction and can be ascertained by inquiry of the landlord or of his agent at said place of alleged illegal or incorrect registration; but if the officer cannot make personal service, and cannot ascertain the whereabouts of the person complained of, the copy of the summons shall be left at such person's last and usual place of abode known to the officer; and the officer shall return the summons to the registrars before the day named for appearance, with the certificate of his doings endorsed thereon.

SECTION 54. When a person summoned before the registrars of voters to answer a complaint made in accordance with the preceding section appears before them they shall examine him under oath, and shall receive other evidence which may be offered in regard to the matters set forth in the complaint, and if satisfied that the person is properly registered as a qualified voter they shall enter in the register a statement of their determination upon the facts required for registration. If however the registrars are satisfied that the person so appearing is not a qualified voter in the city or town they shall strike his name from the register. If a person duly summoned as aforesaid does not appear as directed in the summons the complainant shall produce sufficient testimony to make out a prima facie case, and if this is done the name of the person complained of shall be stricken from the register; but if such person appears before the registrars before the election or town meeting next ensuing and shows sufficient cause for his previous non-appearance the hearing shall be reopened and the matter decided on its merits, as determined from the evidence presented on both sides. The complainant and the person complained of may be represented by counsel, and all witnesses may be cross-examined.

Examination of persons, entry in register or erasure of name.

SECTION 55. The registrars shall promptly transmit to the assessors of the city or town notice of every error which they shall discover in the name or residence of a person assessed therein.

Notice of error to be transmitted to assessors.

SECTION 56. The registrars shall perform their duties in open session, and not secretly. They shall distinctly announce the name of every applicant for registration before entering his name on the general register. Their

Registrars, sessions and records open to public, etc.

records shall at suitable times be open to public inspection.

To preserve documents for two years.

SECTION 57. All written complaints and certificates received by the registrars, and all other documents in their custody relating to registration, shall be preserved by them for two years after the respective dates thereof.

May maintain order, etc.

SECTION 58. A registrar shall have authority to enforce regularity in all proceedings before him, and to maintain order in and about the place where a session is held, or applications for registration are received, and to keep the access thereto open and unobstructed.

Police officers at meetings.

SECTION 59. The board of police or officer in charge of the police force of a city or town shall, when requested by the registrars, detail a sufficient number of police officers to attend any meeting held by a registrar in the performance of his duties, and to preserve order and enforce his directions.

Supervisors of registration, appointment, etc.

SECTION 60. The governor, with the advice and consent of the council, shall, on the petition of not less than ten qualified voters of a city or town, appoint for a term of one year two supervisors of registration, for each place of registration therein, one from each of the two leading political parties. They shall attend all sessions or meetings for registration held at the places for which they are appointed, and either of them may attach to any book or papers there used for purposes of registration any statement touching the truth or fairness of the proceedings which he may deem proper, and may add thereto his signature or other marks for the purpose of identification.

5. VOTING LISTS.

Voting lists, contents, arrangement, etc.

SECTION 61. The registrars shall, from the names entered in the annual register of voters, prepare voting lists for use at the several elections to be held therein. In such voting lists they shall place the names of all voters entered on the annual register, and no others, and opposite to the name of each his residence on the preceding first day of May, or at the time of his becoming an inhabitant of such place after said day, and in Boston the age of each male voter therein; and they shall enter the names of women voters in separate columns or lists. In cities they shall prepare such voting lists by wards, and if a ward or a town is divided into voting

precincts, they shall prepare the same by precincts, in alphabetical order, except that in Boston the voting lists shall be prepared by streets.

SECTION 62. They shall place at the end of the voting lists of each ward, voting precinct or town to be used at a state election, under a proper heading, the names of all persons who, by changes in city or town boundaries, or by removal from the city or town, are not entitled to vote for the whole number of officers to be chosen.

Names of certain voters to be placed at the end of list.

SECTION 63. The registrars shall, at least twenty days before the annual city or town election, and in every place except Boston at least thirty days before the annual state election, and in Boston, except in the years designated for preparing new general registers, twenty-four days at least before the annual state election, cause copies of the voting lists prepared in accordance with the two preceding sections to be posted in their principal office and in one or more other public places in the city or town, and in each precinct therein.

Lists to be posted.

SECTION 64. After the voting lists have been posted, the registrars shall, within forty-eight hours after a new name has been added to the annual register, cause it to be added to the lists posted in their principal office. If a city or town shall authorize the registrars to publish the names added to the register, they may, instead of posting them, cause all additional names to be printed in a newspaper published in the city or town, if any, otherwise in a newspaper published in the county in which such city or town is situated. In the years designated for preparing new general registers in Boston, the election commissioners shall as often as once in each week during the period of such general registration cause to be printed in some newspaper published in said city such names, as near as may be, as shall have been placed upon the general registers during the six days last preceding the date of such publication.

Additional names to be posted or published.

SECTION 65. The registrars shall, on the day of an election, give to a registered voter whose name has been omitted from the voting list, or in whose name or residence, as placed on the voting list, a clerical error has been made, a certificate of his name and residence, as stated on the annual register, signed by the registrars, or a majority of them. On presentation thereof to the presiding election officer of the ward, voting precinct

Voting lists, certificate in case of omission or error.

Proceedings at polls.

or town, in which the voter was registered, he shall be allowed to vote, and his name shall be checked on the certificate, which shall be attached to and considered a part of the voting list and returned and preserved therewith.

Voting lists for use at polls.

SECTION 66. They shall, before every election and meeting in a city or town at which voting lists may be required to be used, prepare voting lists for each ward, voting precinct or town, in which such election or meeting is to be held, containing the names of all persons qualified to vote therein, with the residence of each such voter, as the same appears upon the annual register, and they shall seasonably transmit the same to the election officers in every such precinct, ward or town. Such voting lists shall be in duplicate for all elections and meetings at which duplicate lists are required to be used.

Returns of assessed polls, registered voters, etc.

SECTION 67. They shall forthwith, after the final day for registration before an annual state, city or town election, certify to the secretary of the Commonwealth the number of assessed polls and the number of registered male and female voters in the city or town, and in each ward and precinct therein; and the number of persons who by law are entitled to vote for a part only of the whole number of officers to be chosen at a state election in such city or town and in each ward and precinct therein, with the titles of the officers for whom such persons are entitled to vote.

In cities where city clerk is not a member of board of registrars.

In cities in which the city clerk is not a member of the board of registrars, the registrars shall likewise, after the last day for registration for a city election, certify to the city clerk the number of registered male and female voters in the city, and in each ward and voting precinct therein.

Voting list for use at caucus.

SECTION 68. The registrars whenever a caucus is called shall, on request of the person designated to call the caucus to order, furnish him for use in the caucus a certified copy of the voting list of the town, or of the ward of the city for which the caucus is to be held, as last published, adding thereto the names of voters registered since such publication.

List of voters, new division of city into wards, etc.

SECTION 69. The registrars in every city, immediately after the annual city election in the year nineteen hundred and four, and in every tenth year thereafter, shall, for the purpose of furnishing to the city council and the board of aldermen the information necessary for a new

division of the city into wards and voting precincts, deliver to the city clerk before the tenth day of February then next ensuing a list of all the male voters therein who were registered for such city election, which shall be so arranged as to show the number of such registered voters residing in each lot or block surrounded by streets within the limits of such city or within any other subdivision thereof, which the city council or board of aldermen may, before the first day of February, designate. The registrars shall likewise in any other year, upon request of the board of aldermen, furnish for the purpose of dividing the ward into voting precincts a list of the male voters of any ward in the city, arranged as aforesaid.

6. REGISTRATION OF VOTERS AND VOTING LISTS IN
BOSTON.

SECTION 70. The election department of Boston shall be under the charge of a board of four election commissioners. Said commissioners shall be citizens and voters of Boston and shall be appointed by the mayor without confirmation by the board of aldermen; and chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five, and all other acts relating to departments of Boston or the officers and employees thereof, not inconsistent herewith, shall be applicable to said department and the officers and employees thereof.

Election commissioners of Boston, appointment, etc.

SECTION 71. Said board shall be so selected that two members shall always belong to each of the two leading political parties; and one member shall annually be appointed for the term of four years, beginning with the first day of May in the year of his appointment. The mayor shall, on or before the first day of May in each year, designate one as chairman for the year beginning with said day, and may, after notice and hearing, remove any member for cause. The chairman of said board shall receive an annual salary of four thousand dollars, and each of the other commissioners three thousand five hundred dollars, or such other salary as the city council may by ordinance prescribe.

Political representation, compensation, etc.

SECTION 72. Said board shall, between the first day of May and the first day of October in each year, appoint assistant registrars of voters, not exceeding four for each

To appoint assistant registrars of voters.

ward, who shall hold office for the term of one year beginning with the first day of October, unless sooner removed by the election commissioners, and who shall so far as possible represent the different political parties.

To constitute
the Boston Bal-
lot Law Com-
mission, etc.

SECTION 73. Said board shall constitute the Boston Ballot Law Commission, and shall in all matters relating to objections and questions arising in the case of nominations of candidates for city offices have the powers and perform the duties prescribed for the ballot law commission of the Commonwealth; and when sitting as such, the chief justice of the municipal court of the city of Boston, or in case of his disability the senior justice of said court who is not disabled shall be a member of said board and shall preside, but shall not vote unless the other commissioners are equally divided; and in every other matter in which the commissioners are equally divided said chief justice shall act with them and shall cast the deciding vote.

To make a new
general register
of voters in cer-
tain years, etc.

SECTION 74. Said board shall, between the fifteenth day of June and the first day of October in the year nineteen hundred and six, and in every tenth year thereafter, make a new general register of the qualified male voters, which shall be prepared in the manner provided by law for preparing general registers. Changes may be made therein on account of illegal registration, and after the year in which it is made all laws relating to general registers of voters shall be applicable thereto, and the annual registers and voting lists of said city shall be prepared therefrom, in the manner provided by law for preparing annual registers and voting lists in cities. Until the first day of September of the years designated for preparing new general registers voters may be registered at the central registration office; and during the month of September said board shall keep open one or more places for registration in each ward, as it shall deem sufficient, where, with the central registration office, registration shall be made daily from eight o'clock in the forenoon to ten o'clock in the afternoon, except Sunday. In such years of general registration said board may appoint, so as equally to represent the two leading political parties, such additional assistant registrars as in its judgment may be necessary.

Additional as-
sistant regis-
trars may be
appointed.

Board to pre-
pare books for
the registration
of voters, etc.

SECTION 75. Said board shall prepare books for the registration of the male voters and the general register of voters, and the books so prepared shall constitute the gen-

eral register of voters in said city; and said books shall be in the following form:

										Street.	Form.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	
Date of Application for Registration.	No. of Residence or other Designation, May 1, of the Year of Application.	Name.	Signature.	Length of Residence in City.	Occupation.	Place of Occupation.	Place of Birth.	Court of Naturalization.	Date of Naturalization Papers.	PERSONAL DESCRIPTION.		
										Age.	Height.	Weight.
										Present Residence.		

Under the several headings, there shall be entered as follows:

One. The day, month and year when the applicant is adjudged a qualified voter.

Two. The name of the applicant and the number on the street, place or other location of his dwelling on that day, or if there is no number, such clear and definite description of the place of said dwelling that it can be readily ascertained; if there is more than one family residing in said dwelling, the floor on which he resides; and if there is more than one house at the number given by the applicant, in which one of them he resides.

Three. The full surname and the Christian name of the applicant, or the name by which he is generally known, and the initial of every other name which he may have.

Four. The applicant shall write his name on a line with the statements herein set forth.

Five. The number of months or years which the applicant states that he has lived in said city.

Six. A full statement of his occupation.

Seven. The place of his occupation.

Eight. The name of the city or town, county and state, country, kingdom, empire or dominion, where he was born.

Nine. The designation of the court where the applicant, if he was an alien, was naturalized.

Ten. The date of such naturalization.

Eleven. The age, approximate height and weight of the applicant.

Twelve. The residence of the applicant at the date of registration.

The names of all voters residing in the same dwelling shall be placed together.

Sessions of
board of elec-
tion commis-
sioners.

SECTION 76. The board of election commissioners shall hold such day sessions as the city may by ordinance prescribe, and such additional sessions as they shall deem necessary; and they shall, in any event, hold in or near each ward in said city not less than ten evening sessions, each of at least three hours' duration, between the first day of September and the close of registration before the annual state election, and the same number of like sessions between the annual state election and the close of registration before the annual city election, and they shall hold at their principal office a continuous session from nine o'clock in the morning until ten o'clock in the evening on the twentieth day preceding the annual state election, and a like continuous session on the twentieth day preceding the annual city election.

Applicants for
registration to
be examined
under oath, etc.

SECTION 77. An election commissioner or assistant registrar of voters shall, at the times and places fixed for registering voters, examine under oath each applicant for registration as to his qualifications as a voter, and, if satisfied that the applicant is a qualified voter, shall immediately, in the presence of the applicant, enter in the proper columns of said register the information required by section seventy-five of this act, according to the statements of the applicant; and if at any time prior to an election the board shall be of opinion that there is an error in such information, after giving notice to the person by mail, by special delivery, that he may be heard on a certain day named therein, it may on said day re-examine said information and correct such error, if any. No person shall, except as provided in section forty-five of this act, have his name entered upon such register unless he personally appears before said board or one member thereof, or an assistant registrar, and is found qualified to be registered as a voter; and, if the person is a naturalized citizen, he shall produce his naturalization papers or a certified copy of the record thereof for inspection, and make oath that he is the person named therein. But if there is a record in the office of said board made in the year eighteen hundred and ninety-six, or subsequent thereto, that the naturalization papers of the applicant

have once been produced and examined, they need not be again produced.

SECTION 78. Said board shall each year after the close of registration and before the annual state election make, by precincts, from the annual register, street lists of the registered voters to be used as the voting lists at elections. Each list shall contain not less than two hundred names, and names shall be added to or taken therefrom as persons are found qualified or not qualified to vote. Said lists shall be in the following form :

Street lists of registered voters to be made.

				Street.	Form of lists.
NAME OF VOTER.	Residence, Number, or other Designation, May 1, of the Year of Election.	Length of Residence in City.	PERSONAL DESCRIPTION.		
			Age.	Height.	Weight.

SECTION 79. Said board shall, prior to the annual state election and prior to the annual city election, prepare in pamphlet form, not less than fifty copies of each voting list, omitting therefrom everything except the name and residence of the voters, and shall distribute said copies as they may deem best.

Copies of voting list to be prepared in pamphlet form for distribution.

SECTION 80. Every person upon applying to vote shall, when requested by any election officer, write his name in a book prepared for the purpose, unless the voter declares under oath to the presiding officer that he was a voter before the first day of May in the year eighteen hundred and fifty-seven and cannot write, or that by reason of blindness or other physical disability he is unable to write.

Voter to write his name upon request.

TITLE III.

1. POLITICAL COMMITTEES.

SECTION 81. Each political party shall annually elect a state committee, the members of which shall hold office for one year from the first day of January next following their election and until their successors shall have organized. Said committee shall consist of at least one member from each senatorial district, who shall be elected at the convention held for the nomination of a candidate for

State committees, election, term, etc.

senator to be voted for in said district at the annual state election.

Organization.

The members of the state committee shall, in the month of January, meet and organize by the choice of a chairman, a secretary and a treasurer, and such other officers as they may decide to elect.

Lists of members and officers to be filed.

The secretary of the state committee shall, within ten days of such organization, file with the secretary of the Commonwealth, and send to each city and town committee, a list of the members of the committee and of its officers.

Vacancies.

A vacancy in the office of chairman, secretary or treasurer of the committee or in the membership thereof shall be filled by the committee, and a statement of any such change shall be filed as in the case of the officers first chosen.

Ward and town committees, election, term, etc.

SECTION 82. Each political party shall, in every ward and town, annually elect a committee to be called a ward or a town committee, to consist of not less than three persons, who shall hold office for one year from the first day of January next following their election and until their successors shall have organized, except that, whenever a ward committee shall be elected between the first day of January and the first day of June, the members thereof shall hold office for one year from the first day of June next following their election and until their successors shall have organized.

City committee.

The members of the several ward committees of a political party in a city shall constitute a committee to be called a city committee.

City and town committees, organization.

Each town committee shall annually, between the first day of January and the first day of March, and each city committee shall, within thirty days from the beginning of their term of office, meet and organize by the choice of a chairman, a secretary and a treasurer, and such other officers as they may decide to elect.

Lists of officers and members to be filed.

The secretary of each city and town committee shall, within ten days after their organization, file with the secretary of the Commonwealth, with the city or town clerk, and with the secretary of the state committee of the political party which they represent, a list of the officers and members of the committee.

Vacancies.

A vacancy in the office of chairman, secretary or treasurer of a city, ward, or town committee shall be filled by the committee, and a vacancy in the membership of a town

or ward committee shall be filled by such committee, and a statement of any such change shall be filed as in the case of the officers first chosen.

SECTION 83. In case of a re-division of a city into wards any political party may in the next succeeding calendar year elect its ward committees, to serve for such terms, not exceeding the length of the terms for which the former committees were chosen, as the city committee existing at the time of calling the caucuses may determine, and thereafter shall elect such committees at the times and for the terms prescribed by law.

Ward committees in case of a re-division of a city into wards.

The caucuses for the choice of such ward committees shall be called by the city committee in existence at the time, and shall be subject to such reasonable notice as said city committee shall determine.

Calling of caucuses for choice of ward committees.

SECTION 84. Committees of any party existing at the time when such party at an annual state election first polls for governor three per cent. of the entire vote cast in the Commonwealth for that office shall be deemed to be organized under these provisions.

Certain committees to be deemed organized under these provisions.

SECTION 85. A state, city or town committee may make rules and regulations, not inconsistent with law, for its proceedings and relative to caucuses called by it. Each town or city committee may make reasonable regulations, not inconsistent with law, to determine membership in the party, and to restrain those not entitled to vote at caucuses from attendance thereat or taking part therein. But no political committee shall prevent any voter from participating in a caucus of its party for the reason that the voter has supported an independent candidate for political office.

May make rules and regulations.

2. PROVISIONS APPLYING TO ALL CAUCUSES OF POLITICAL PARTIES.

SECTION 86. Except as provided in this act no caucus or meeting shall be entitled to nominate a candidate for public office whose name shall be placed on the official ballot, or to elect delegates to a political convention for the nomination of such candidate or to choose a political committee.

Caucuses entitled to nominate, etc.

Except nominations for the office of representative in the general court, no nomination of a candidate to be

Certain nominations not to be made by a caucus.

voted for in an electoral district or division containing more than one town or more than one ward of a city shall be made by a caucus.

Certain caucuses to be held on one of two consecutive days, etc.

SECTION 87. All caucuses of political parties (except for special elections) for choice of delegates to political conventions which nominate candidates to be voted for at the annual state election, and for the nomination of candidates to be voted for at such election, shall be held throughout the Commonwealth on one of two consecutive days, designated by the state committee of the political party for which said caucuses are held; and all of said delegates shall be elected and all of said candidates shall be nominated at one caucus, except that caucuses held for choice of delegates to a representative district convention, or for nomination of candidates for the general court, may be called and held as hereinafter provided. Such caucuses shall be held at the call of the state committee of the political party whose caucuses are to be held, and the chairman and secretary of the state committee of each political party shall at least twenty-one days before the date on which the caucuses are to be held forward a copy of the call, with designations of dates to the chairman and secretary of each city and town committee of their party, and they shall at the same time designate two other consecutive days, which shall be at least seven days later than the designation above provided, as dates on which caucuses may be held for choice of delegates to a representative district convention, or for nomination of candidates for the general court. Each city or town committee shall determine on which one of said two dates such representative caucuses shall be held in their city or town.

Designations of dates to be forwarded, etc.

Representative conventions, date of holding.

No representative conventions shall be held at a date earlier than fifteen days after the latest date designated by the state committee for holding caucuses for the choice of delegates to the state convention.

Party first filing copy of call entitled to precedence.

SECTION 88. No two political parties shall hold such caucuses on the same day. The party first filing with the secretary of the Commonwealth the copy of the call as above provided shall be entitled to precedence on the days named.

Caucuses relative to special elections.

SECTION 89. Caucuses relative to a special election shall be held at such time and place and subject to such reasonable notice as the political committee whose duty it

is to provide for holding the same may determine. All calls for the same shall be issued by the chairman and secretary of said political committee.

SECTION 90. Every caucus of a political party shall be called by a written or printed notice. No caucus of a political party not so called shall be recognized as valid under this title.

Caucuses to be called by a written or printed notice.

SECTION 91. Notices for caucuses shall apply to all members of the political party calling them and to them only. No person having voted in the caucus of one political party shall be entitled to vote or take part in the caucus of another political party within the ensuing twelve months. No registered voter shall be prevented from voting or participating in any caucus if he takes the following oath which shall be administered to him by the presiding officer of the caucus :

Notices to apply only to members of party whose caucuses are to be held, etc.

Voter may take oath.

You do solemnly swear (or affirm) that you are a registered voter in this ward (or town) and have the legal right to vote in this caucus; that you are a member of the political party holding the same, and intend to vote for its candidates at the polls at the election next ensuing; and that you have not taken part or voted in the caucus of any other political party for twelve months last past.

Form of oath.

Such voter may be challenged like any other voter. Any person whose right to vote is challenged for any cause recognized by law shall not be permitted to vote until he has taken the foregoing oath; and the clerk or secretary of the caucus shall make a record of the administration of said oath to every person who takes the same, which record shall state whether or not said person voted. Said record shall be returned with the proceedings of said caucus and shall be prima facie evidence in any court that such person took said oath and voted in said caucus.

Person whose right to vote is challenged to take oath, etc.

SECTION 92. In balloting, the voting lists furnished under the provisions of section sixty-eight of this act shall be used as check lists.

Voting lists to be used.

No person shall be entitled to vote or to take part in a caucus whose name does not appear upon said lists.

Certain persons not entitled to take part in caucus.

SECTION 93. The persons receiving the highest number of votes in a caucus shall be declared elected or nominated. If there is a tie vote for delegates to a convention, or a place unfilled in a delegation, or a vacancy occasioned by inability or neglect of a delegate elected to attend a convention, such vacancies shall be filled only

Persons deemed to be elected.

Delegates to a convention, tie vote, etc.

by vote of the remaining members of the delegation at a meeting called for the purpose. Such meeting shall choose a chairman and secretary, and the secretary shall notify the secretary of the convention of the action taken relative to such vacancy.

Tie vote for caucus officers, etc.

If there is a tie vote for members of a town or ward committee, or for caucus officers, the members or caucus officers elected shall fill the vacancy.

Proceedings in case of failure to elect.

If a majority of a delegation, of a ward or town committee, or of caucus officers is not elected, or there is a tie vote for candidates for an elective office, the caucus shall at once proceed to another ballot, unless some one present entitled to vote objects; in which case the caucus shall adjourn to any subsequent day. The hour and place shall, if practicable, be the same as that named in the call.

Certificates of election, etc.

SECTION 94. The presiding officer and secretary or clerk of each caucus shall within three week days after its final adjournment deliver or send to each delegate to a political convention, to each member of a political committee, and to each caucus officer a certificate of his election, and to each candidate for an elective office a notice of his nomination.

3. PROVISIONS APPLYING TO CAUCUSES OF POLITICAL PARTIES EXCEPT IN BOSTON AND IN CERTAIN CITIES AND TOWNS.

Polling places to be provided.

SECTION 95. At least two weeks prior to the date on which caucuses are to be held, the chairman or secretary of the city or town committee shall notify the aldermen or the selectmen respectively of such date, and said aldermen or selectmen shall, at the expense of the city or town, provide polling places for said caucuses, in case of a city not less than one for each ward; and shall, at least ten days prior to the date of said caucus, give said chairman or secretary notice of the places so provided.

Notices of caucuses.

SECTION 96. Notices of caucuses, signed by the chairman and secretary, shall be issued by each city and town committee not less than seven days prior to the day on which they are to be held. The notices shall state the place where, and the day and hour when, the several caucuses are to be held. They shall be conspicuously

posted in at least five places on the highways or streets, and, if practicable, in every post office in the city or town, or shall be published at least twice in one or more local newspapers, if there are any. The hour fixed for calling the caucus to order shall not be later than eight o'clock in the evening.

Hour for calling.

The notice shall designate by name or office the person who shall call such caucus to order; and he shall preside until a chairman is chosen. If he is absent at the time appointed, any member of the ward or town committee present shall call the caucus to order and preside until a chairman is chosen.

Notice to designate person who shall call caucus to order.

The first business in order shall be the choice of a chairman, a secretary, and such other officers as the meeting may determine.

First business.

SECTION 97. A ballot shall be taken for the choice of any candidate, delegate or member of a political committee, to be selected by such caucus, and the polls shall be kept open at least thirty minutes.

Ballot to be taken, etc.

SECTION 98. The secretary of each caucus shall preserve for ten days all ballots cast and all voting lists used at the caucus. If during said time ten voters entitled to vote in said caucus shall file with him a written request so to do, he shall preserve said ballots and voting lists for three months, and shall produce the same, if required by any court of justice or convention having jurisdiction or authority over the same.

Ballots and voting lists to be preserved, etc.

If within three week days after any caucus a person who has received votes thereat for nomination or election to any office, delegation or political committee shall file a statement in writing with the secretary of said caucus claiming an election or nomination, or declaring an intention to contest the election or nomination of any other person, the secretary shall preserve the ballots for such nomination or office until the claim or contest is finally determined.

Notice of intention to contest, etc.

The secretary shall immediately give notice in writing to the persons affected, fixing a time within twenty-four hours thereafter and a place at which said ballots will be recounted, and the chairman and secretary of the caucus shall, at said time and place, recount said ballots and determine the questions raised. Each candidate affected may be present during such recount, or may be represented by an agent appointed by him in writing.

Recount of ballots, etc.

4. PROVISIONS APPLYING TO CAUCUSES OF POLITICAL PARTIES IN BOSTON AND CERTAIN CITIES AND TOWNS.

Calling, etc., of
caucuses in
Boston and cer-
tain cities and
towns.

SECTION 99. All caucuses of a political party in the city of Boston for the choice of caucus officers, of delegates to any political convention, or of a political committee, or of candidates for any state or city election, and all such caucuses in any city or town held by a political party which has therein adopted this and the following thirty-two sections, or the corresponding provisions of earlier laws, shall be called and held as hereinafter provided.

Calling of cau-
cuses for pur-
pose of voting
on question of
adoption.

SECTION 100. Any city or town committee shall, at the written request of fifty voters, members of its party, call caucuses of said party to determine by ballot whether the special provisions of this act applying to caucuses of political parties in Boston and certain cities and towns shall be adopted by said political party in the city or town. The notice of said caucus shall state the purpose for which it is called, the place, the day and the hour, not earlier than six o'clock and not later than half-past seven o'clock in the evening, of holding said caucus. It shall be issued at least seven days prior to the day named therefor, and shall be published at least twice in one or more local newspapers, if there are any, and shall be posted in at least five public places in each ward or town. The polls shall be kept open at least one hour. If said caucuses shall vote to adopt said provisions, all caucuses of said political party in said city or town shall thereafter be called and conducted accordingly.

Acceptance
may be re-
voked, etc.

SECTION 101. A political party in a city or town which has accepted said special provisions may, not less than one year after the date of the caucus wherein such provisions were adopted, revoke such action at a caucus called and held in the manner provided in the preceding section. Upon the adoption of said provisions or upon the revocation of such adoption, the secretary of the city or town committee of such political party shall, within ten days thereafter, file with the secretary of the Commonwealth and with the clerk of the city or town and the secretary of the state committee of the political party so voting, a notice thereof.

Notice of action
to be filed.

Certain cau-
cuses relating
to city or town

SECTION 102. All such caucuses of a political party for the choice of candidates for a city or town election,

and for the choice of delegates to a convention to nominate candidates for such election, except caucuses relating to a special election, shall be held on the same day in each city and town: but caucuses for the choice of delegates to a convention to nominate candidates to be voted for by the city or town at large may be held upon a different day from the other caucuses. All caucuses for the choice of a political committee shall be held on the same day, or such committee may be chosen at the caucuses held for the choice of candidates to be voted for at a city or town election. The city or town committee shall fix the days for holding all caucuses mentioned in this section, and all calls for the same shall be issued by its chairman and secretary.

elections to be held on same day.

City or town committee to fix days.

No two political parties shall hold their caucuses on the same day. The party first filing a copy of the call for a caucus with the city or town clerk, or in Boston with the board of election commissioners, shall be entitled to precedence as to the day so fixed.

Party first filing copy of call entitled to precedence.

SECTION 103. In Boston no caucus for the choice of candidates or of delegates to a convention to nominate candidates for a city election, except caucuses relating to special elections, shall be called for a date earlier than seven days after the annual state election.

Calling of certain caucuses in Boston relative to city election.

SECTION 104. Notices of caucuses in said cities or towns shall state the place where, and the day and hour prior to which, nomination papers shall be filed, and the day on which the several caucuses will be held, and shall be issued not less than eighteen days prior thereto.

Notices of caucuses in cities and towns.

SECTION 105. At least two weeks prior to the day named for a caucus the chairman or secretary of the city or town committee shall give notice of such date to the aldermen or to the selectmen, or in Boston to the election commissioners, who shall, at least ten days prior to such date, notify the city or town committee of the places selected for holding the caucuses, and shall, at the expense of the city or town, provide polling places, in a city not less than one for each ward, and furnish them with booths, registering ballot boxes, guard rails and the like, as they are arranged for state elections.

Polling places, etc., to be provided.

When twenty-five voters of a ward or of a town shall request in writing at least twelve days before any caucus of the political party to which they belong, the aldermen or selectmen shall so arrange the polling place of such

Voting may proceed in two or more lines in certain cases.

ward or town as to allow voting to proceed in two or more lines at the caucus.

Seven days' notice to be given by city and town committees.

SECTION 106. At least seven days prior to the day named for a caucus, the city or town committee shall issue a notice that such caucus will be held, stating the place, the day and the hour of holding the same. The hour shall not be earlier than two o'clock in the afternoon, nor later than half-past seven o'clock in the evening. Notices relative to the filing of nomination papers or for caucuses shall be published at least twice in one or more local newspapers if there are any.

Blank nomination papers to be provided, etc.

SECTION 107. The city or town shall provide, and the city or town clerk or election commissioners shall seasonably prepare, for each political party, blank nomination papers for use in the different wards of the city or in the town. Such papers shall state the place where, and the day and hour prior to which, signed nomination papers shall be filed. On the back of each, sections one hundred and eight to one hundred and fourteen inclusive, of this act, shall be printed. They shall be delivered to the chairman or secretary of the political committee for whose use they have been prepared, and to no other person.

Nominations to be made by nomination papers.

SECTION 108. Nominations of candidates for elective offices, for delegates to a convention, for caucus officers, and for a ward or town committee to be voted for at a caucus, shall be made by nomination papers, as hereinafter provided.

Signatures, etc.

Such papers shall be signed in person by at least five legal voters of the ward or town in which the caucus is to be held, who shall be members of the political party holding the caucus, and who shall add to their signatures the street and number, if any, of their residences.

Number of names limited.

Nomination papers shall not contain a larger number of names of candidates than there are persons to be elected.

Acceptance to be filed with nomination paper.

No nomination paper offered for filing shall be received or be valid unless the written acceptance of every candidate thereby nominated shall be filed therewith.

Acceptance of candidate to fill vacancy to be filed.

No vacancy caused by the death, withdrawal or ineligibility of any of the above candidates shall be filled in the manner now provided by law, unless the person entitled to fill such vacancy shall file the written acceptance of the candidate who is nominated to fill the vacancy.

Certain information may be given concerning candidates

SECTION 109. The nomination paper for an elective office shall give the name of the candidate, the street and

number, if any, of his residence, and may, in not more than eight words, state his occupation, the public offices he has held, or any other information whereby his identity may be established, and his qualifications for the office to be filled, or his position on any public measure.

for elective offices.

The nomination paper of a candidate for a caucus office or for a ward or town committee shall state the street and number, if any, of his residence.

Candidates for caucus offices, etc.

There may be added to the name of a person proposed as a delegate to a convention, a statement of not more than eight words that he is favorable to, or is pledged to support, or to oppose, any person for an office to be filled, or is favorable to, or opposed to, any public measure, or is uncommitted.

Delegates to conventions.

SECTION 110. All nomination papers shall be sealed up and filed in the office of the secretary of the city or town committee not less than ten week days previous to the day on which the caucus is to be held for which the nominations are made, and the secretary shall endorse upon them the time at which they are received by him. They shall not be opened until the time for their filing has expired, when the secretary, at his office, shall publicly open them and publicly announce the nominations therein made.

To be sealed and filed ten days before caucus.

SECTION 111. The secretary of the city or town committee shall immediately give notice to the person filing the nomination paper of any error, irregularity or informality appearing therein, and such person may, within two week days of the time when the nomination papers were opened, correct the same, or said secretary may make such correction.

Correction of errors, etc.

SECTION 112. If, in a city, nomination papers placing persons in nomination for all the offices to be filled at a caucus, in any ward, are not filed, the secretary of the city committee shall forthwith notify the chairman or secretary of the committee of such ward, who shall forthwith call a meeting of said committee which may nominate candidates for all offices for which nomination papers have not been filed, and shall immediately file with the secretary of the city committee nomination papers signed by all the members of the committee who agree to the nominations therein made. In case of disagreement two sets of such nomination papers may be filed. If, at the expiration of two week days after the time at which nomination papers were opened, proper nomination papers have not been

Proceedings in cities when papers are not filed.

Ward committee may nominate.

Two sets of papers may be filed in case of disagreement, etc.

filed for all the offices to be filled, or upon any vacancy caused by death or otherwise, except a withdrawal, the chairman and secretary of the city committee may file nomination papers for such offices or vacancies.

Proceedings in towns when papers are not filed, etc.

SECTION 113. If, in a town, nomination papers placing persons in nomination for all the offices to be filled at a caucus are not filed, or upon a vacancy by death or otherwise, except a withdrawal, the chairman or secretary of the town committee shall forthwith call a meeting of said committee, which shall have all the powers relative to the nomination of candidates conferred in the preceding section upon a ward committee and the chairman and secretary of a city committee.

Vacancy caused by withdrawal, how filled.

SECTION 114. A person nominated by a nomination paper may, within two week days of the announcement thereof, file a written withdrawal with the secretary of the city or town committee, who shall immediately give notice of such withdrawal and of the provisions of this section to the person who filed said nomination paper, and he may, within twenty-four hours thereafter, present a new name on a nomination paper signed by himself; otherwise the chairman and secretary of the city or town committee may file nomination papers for such vacancy.

Papers to be delivered to city or town clerk.

SECTION 115. Not less than seven week days before the day upon which the caucuses are to be held and before five o'clock in the afternoon of the last day, the secretary of each city or town committee shall deliver to the city or town clerk, or in Boston to the election commissioners, the nomination papers filed with him.

Errors, etc., to be corrected before a certain time, etc.

SECTION 116. If an error or informality is found in any nomination paper it shall be forthwith returned to the secretary of the committee by whom it was filed, for correction; and if it is not corrected and again filed before five o'clock in the afternoon of the day following its return to said secretary, it shall be void.

Cities and towns to provide ballots, etc.

SECTION 117. The city or town shall provide and the city or town clerk, or in Boston the election commissioners, shall prepare ballots to be used in caucuses, in accordance with the provisions of this act, and no other ballots shall be received or counted. No ballots as herein provided shall be printed in any printing establishment owned or managed by the city of Boston.

Number of ballots, how determined.

The chairman and secretary of the city or town committee may determine the number of ballots to be pro-

vided for each ward or town, not exceeding one for each registered voter therein. If they fail so to do, the city or town clerk, or in Boston the election commissioners, shall determine the number. At least six facsimile copies of the ballot, printed on colored paper, shall be provided for each polling place as specimen ballots.

Specimen ballots.

SECTION 118. At the top of each ballot shall be printed the words "The official ballot of (here shall follow the party name)." On the back and outside of each ballot when folded shall be printed the words "Official ballot of the (here shall be inserted the party name)", followed by the number of the ward or the name of the town for which the ballot is prepared, the date of the caucus and a facsimile of the signature of the secretary of the political committee. Names of candidates for each elective office shall be arranged alphabetically according to their surnames.

Form of official ballot.

Names of candidates for caucus officers, for ward or town committees, and for delegates to conventions may be arranged in groups in the order in which they are filed, but shall be arranged alphabetically according to their surnames whenever written request therefor is made to the secretary of the city or town committee by any ward or town committee, or whenever the city or town committee so votes.

Arrangement of names.

Against the name of a candidate for a caucus office, for an elective office, or for a ward or town committee, shall be printed the street and number, if any, of his residence.

May be grouped in order of filing, etc.

Against the name of a candidate for an elective office or for a political convention shall be printed the statement contained in the nomination paper placing him in nomination.

Street and number of residence to be printed.

No names shall be printed on a ballot other than those presented on nomination papers. Immediately following the names of candidates, blank spaces equal to the number of persons to be chosen shall be provided for the insertion of other names.

Certain statement to be printed.

The number of persons to be voted for for the different offices shall be stated on the ballot.

Names to be printed on ballot, blank spaces to be provided.

A star (*) against a name shall indicate that a person is a candidate for re-election. The form of ballots and the arrangement of printed matter thereon shall be in general the same as that of the official state ballots, except as herein otherwise provided.

Number to be voted for to be stated on ballot.

A star to indicate a candidate for re-election, etc.

A cross constitutes a vote, etc.

SECTION 119. A cross [X] marked against a name shall constitute a vote for the person so designated. A cross in the circle at the head of an entire group of candidates for delegates to a convention shall count as a vote for each candidate therein. A voter may vote for one or more candidates in any such group by marking a cross against the name of each such candidate, or he may insert another name and mark a cross against it. If he votes for more candidates than the number to be elected, his vote shall not be counted.

Delivery of ballots, etc., at polling places.

SECTION 120. The city or town clerk, or in Boston the election commissioners, before the opening of the polls on the day of the caucus, shall, at the expense of the city or town, prepare and deliver at the polling place to the warden or, if he is not present, to the clerk, or, if both are absent, then to any inspector, ballot boxes, the ballots, specimen ballots, voting lists, suitable blank forms, and apparatus for canvassing and counting the ballots and making the returns, a seal of suitable device, and a record book for each polling place. The presiding officer at each polling place shall, before the opening of the caucus, conspicuously post in such polling place at least six specimen ballots, to be kept so posted until the polls are closed.

Specimen ballots to be posted, etc.

Certain provisions of law to apply.

SECTION 121. Caucuses, except as herein otherwise provided, shall be held in general accordance with the provisions of law for the conduct of elections and the manner of voting thereat.

Order of business.

SECTION 122. The order of business shall be as follows :

First. Any necessary preliminary business.

Second. Balloting until half past eight o'clock in the evening, when the polls shall be closed unless the caucus shall vote to keep them open until a later hour; but every voter waiting in line at the hour fixed for closing the polls shall be allowed to vote.

Third. After the polls are closed, any other business properly before the caucus.

Challenging of votes, etc.

SECTION 123. If the right of a person offering to vote is challenged for any legal cause, the presiding officer shall require him, or some one in his behalf, to write his name and residence on the outside of the ballot offered, and before it is received the presiding officer shall add thereto the name of the person challenging and

the cause alleged for the challenge ; but no caucus officer shall receive any ballot which by law he is required to refuse. No officer, or other person, shall give any information in regard to a ballot cast by a challenged voter unless required by law so to do.

SECTION 124. Immediately after the polls are declared closed, but not before, the ballots shall be counted in full view of the voters and within three feet of the rail. When they have been counted and the result has been ascertained, the presiding officer shall make public announcement thereof in open meeting, and the clerk shall, in open meeting, enter in words at length in the record book the total number of names checked on the voting list, the total number of ballots cast, the names of all persons voted for, the number of votes for each person, and the title of the delegation or office for which he was a candidate. The clerk shall forthwith make a copy of said record, certify and seal the same, and transmit it to the city or town clerk, or in Boston to the election commissioners. He shall then, before the adjournment of the caucus, and in the presence of those who counted the same, seal up all ballots cast, with the voting lists used, and a statement of any challenge which may have been made.

Counting of
ballots, etc.

Clerk to make
copy of record,
seal up ballots,
etc.

The warden and clerk shall endorse upon such package the name of the political party holding the caucus, its date, its purpose, and, if in a city, for what ward the ballots were cast. The warden shall forthwith transmit, by the officer detailed to attend the caucus, to the city or town clerk, or in Boston to the election commissioners, the ballots cast, the voting lists, the ballot boxes, the ballot box seals, the counting apparatus, the copy of the records, and the record book.

Package to be
endorsed and
transmitted to
city or town
clerk, etc.

The city or town clerk or election commissioners shall safely keep such sealed packages for ten days. If within said time ten voters entitled to vote in said caucus file with them a written request so to do, they shall preserve said ballots and voting lists for three months and shall produce them if required by any court or convention having jurisdiction or authority over the same.

Sealed packages
to be kept, etc.

SECTION 125. In Boston the board of election commissioners, upon written application, signed by at least ten voters of a ward, for a copy of the list as checked,

In Boston certi-
fied copy of
voting list as
checked may be
furnished.

may open the envelope containing the voting list used at any caucus in such ward and shall furnish to them a certified copy thereof as checked.

Recount of
ballots, etc.

SECTION 126. If before five o'clock in the afternoon of the second day next succeeding the day of any caucus ten or more qualified voters of any town or ward shall sign, adding thereto their respective residences on the first day of May of that year, and file with the city or town clerk, or in Boston with the election commissioners, a statement under oath that the records and returns made by the caucus officers of such town or ward are erroneous, specifying the error, or that challenged votes were cast by persons not entitled to vote therein, said city or town clerk shall forthwith transmit such statement to the registrars of voters with the sealed packages containing the ballots and voting lists, and said registrars or election commissioners shall give notice in writing to the person affected, fixing a place and time, as early as may be, at which said ballots will be recounted and at such place and time shall open the packages containing the ballots and voting lists and recount said ballots and determine the questions raised, and shall reject any challenged vote cast by a person found not to have been entitled to vote; and such recount shall stand as the true result of the vote cast in such caucus. Each candidate affected may be present during such recount, or may be represented by an agent appointed by him in writing.

Caucus officers,
election, etc.

SECTION 127. At the caucus held for the choice of delegates to the state convention there shall be chosen annually a warden, a clerk, and at least five inspectors, and, in wards having more than five precincts, such additional inspectors as the city committee of the political party whose caucuses are to be held may determine. They shall be voters of the ward or town in which they are elected and members of the political party whose caucus is to be held. No person shall be eligible to the position of warden or clerk or inspector who is a state, county or city employee, or who is a member of a ward or town committee, and no person shall serve as a caucus officer at any caucus wherein he is a candidate for an elective office or for a nomination to an elective office, or candidate for ward or town committee. Every caucus officer shall hold office for one year, beginning with the first day

Certain persons
not eligible, etc.

Term of office,
etc.

of October succeeding his election, and until his successor is elected. He shall, before entering upon the performance of his duties, be sworn to the faithful performance thereof by the warden, clerk, or a justice of the peace, and a record of such oath shall be made upon the record book of such caucus.

The respective duties of caucus officers shall be in general the same as are required of election officers at elections. Duties.

SECTION 128. If prior to the third day preceding a caucus of a political party in the city of Boston fifty voters entitled to participate therein petition the board of election commissioners of Boston for additional caucus officers, said board shall provide additional officers for said caucus in the following manner: Every elective candidate and every person filing a nomination paper for a delegation may present to said board the names of not exceeding four persons. From these names said board shall, in the presence of those presenting said names, draw the names of five persons who shall be admitted behind the guard rail during the caucus, shall be authorized to supervise the checking of names and the conduct of the caucus in general, and may witness the count at the close of the caucus. Additional officers.

SECTION 129. At a caucus a majority of the caucus officers present may fill temporary vacancies and elect additional officers to serve in that caucus only. Such temporary officers shall be duly sworn. Permanent vacancies shall be filled by a majority vote of all the caucus officers. Vacancies.

SECTION 130. A city or town committee of a political party adopting the special provisions of this act applying to caucuses of political parties in Boston and certain cities and towns shall, at least ten days before holding any caucus thereunder, appoint caucus officers in each ward or town to serve at the first caucus to be held thereafter. Appointment of officers to serve at first caucus.

SECTION 131. In a newly incorporated city, or upon a re-division into wards of a city to which the provisions of said sections apply, the caucus officers to serve in the caucuses held in the next succeeding year shall be appointed by the city committee: and at such caucuses the regular caucus officers shall be chosen. In a newly incorporated city or a re-division into wards.

5. CAUCUSES OTHER THAN THOSE OF POLITICAL PARTIES.

At least twenty-five voters to participate in certain caucuses.

SECTION 132. A caucus of the qualified voters, or of a specified portion thereof in a ward of a city, or in a town, may be called and held for the nomination of candidates to be voted for at any city election, or at any election of town officers for which official ballots are used, or for the selection of delegates to a convention, or for the appointment of a committee. A like caucus in any representative district may be held for the nomination of a candidate for representative in the general court; but otherwise no nomination of a candidate to be voted for in an electoral district or division containing more than one town or more than one ward of a city shall be made by a caucus. The proceedings of such caucuses shall be invalid unless at least twenty-five voters participate and vote therein. Except as provided in this section, no caucus or meeting other than those of political parties shall be entitled to nominate a candidate whose name shall be placed on the official ballot, or to select delegates to a political convention for the nomination of a candidate whose name shall be placed on such ballot.

Entitled to nominate, etc.

Notice of caucus, etc.

SECTION 133. The notice for a caucus under the preceding section shall be written or printed, shall state the place where and the day and hour when the said caucus is to be held, shall be issued at least seven days prior thereto, and shall be conspicuously posted in at least five places on lines of public travel, and, if practicable, in every post office within the city or town, or shall be published at least twice in one or more local newspapers. Said notice shall be signed by one or more qualified voters of the ward, town or district for which the caucus is called, and shall designate by name or office the person who shall call such caucus to order, and he shall preside until a chairman is chosen. In his absence the caucus may choose a temporary chairman. The first business in order shall be the organization of the caucus by the choice of a chairman, a secretary, and such other officers as the meeting may require. The caucus may adopt regulations not inconsistent with this act.

First business, etc.

To vote by ballot upon written request, etc.

SECTION 134. Upon the written request of ten or more persons present at a caucus and entitled to vote therein, presented by motion or otherwise to the presid-

ing officer for the time being at any time before the choice of the officer to which it relates, any candidate, delegate or member of a political committee, and unless the caucus votes otherwise, the chairman of the caucus, shall be elected by ballot.

In balloting, the voting lists furnished under section sixty-eight shall be used as check lists.

SECTION 135. The secretary of a caucus held under the preceding three sections of this act shall, at the request in writing of ten voters entitled to vote in the caucus, preserve all ballots cast and voting lists used therein for three months, and shall produce the same if required by any court, board, convention or other tribunal having jurisdiction thereof.

Preservation
of ballots and
voting lists.

6. NOMINATION OF CANDIDATES.

SECTION 136. A convention of delegates, or a caucus, held in accordance with this act, may for the Commonwealth, or for a district, county, city, town or ward, make one nomination for each office to be filled at an election therein, and shall be entitled to have the names of its candidates placed upon the official ballot upon filing a certificate of nomination as hereinafter provided.

Nominations
by caucus and
convention.

A party may make a nomination for an office to be filled by election in the Commonwealth, or in any district, county, city, town or ward, when at the five preceding annual elections it polled in the Commonwealth, or in such district, county, city, town or ward respectively, a number of votes for governor equal to the votes required to nominate by nomination papers a candidate for the office so to be filled.

Nominations by
certain parties.

SECTION 137. No convention to nominate candidates for any state or city office shall be called for a date earlier than four days after the holding of the caucuses for the choice of delegates thereto.

Calling of
conventions.

SECTION 138. At a political convention not held for the nomination of state officers to be voted for at large, by vote of one fourth of the delegates present the nomination of any candidate shall be made by roll call in the following manner: The secretary of the convention shall call the roll of the towns and cities in alphabetical order or of wards in a city in numerical order, and each delegate shall, as his name is called, state in the hearing of the con-

Nomination
may be made
by roll call at
certain conven-
tions.

vention the name of the candidate for whom he desires to vote, and the person receiving a majority of votes on such roll call shall be the candidate of the convention.

Certificate of nomination, signature and oath of officers.

SECTION 139. Every certificate of nomination shall state such facts as are required by section one hundred and forty-three of this act, shall be signed by the presiding officer and by the secretary of the convention or caucus, who shall add to their signatures their places of residence, and shall make oath to the truth thereof. The secretary of the convention or caucus shall within the seventy-two hours succeeding five o'clock in the afternoon of the day upon which the convention or caucus was held and within the time specified in section one hundred and forty-five of this act, file such certificate as hereinafter provided.

To be filed by secretary.

Nomination papers, number of signatures.

SECTION 140. Nominations of candidates for any offices to be filled by all the voters of the Commonwealth may be made by nomination papers, stating the facts required by section one hundred and forty-three of this act, and signed in the aggregate by not less than one thousand qualified voters for each candidate. Nominations of all other candidates for offices to be filled at a state election, and of all candidates for offices to be filled at a city election, may be made by like nomination papers, signed in the aggregate for each candidate by one qualified voter for every one hundred votes for governor cast at the preceding annual state election in the electoral district or division for which the officers are to be elected, but in no case less than fifty. Nominations of candidates for offices to be filled at a town election may be made by nomination papers signed by at least one qualified voter for every fifty votes polled for governor at the preceding annual state election in such town, but in no case by less than twenty qualified voters. At a first election to be held in a newly established ward of a city, the number of voters upon a nomination paper of a candidate who is to be voted for only in such ward need not exceed fifty; and at a first election in a town the number for the nomination of a candidate who is to be voted for only in such town need not exceed twenty.

Nomination papers, voters to sign in person, residence, number of nominations.

SECTION 141. Every voter signing a nomination paper shall sign the same in person, and shall add to his signature his place of residence, with the street and number

thereof, if any: but any voter who is prevented by a physical disability from writing or who had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, may authorize some person to write his name and residence in his presence; and every voter may sign as many nomination papers for each office to be filled as there are persons to be elected thereto, and no more. Women qualified to vote may sign nomination papers for candidates for the school committee. Every nomination paper shall, before being filed, be seasonably submitted to the registrars of the city or town in which the signers appear to be qualified voters, and in Boston to the election commissioners, who shall forthwith certify thereon the number of signatures which are names of qualified voters both in the city or town and in the district or division for which the nomination is made. They need not certify a greater number of names than are required to make a nomination, with one fifth of such number added thereto. Names not certified in the first instance shall not thereafter be certified on the same nomination papers. The secretary of the Commonwealth shall not be required in any case to file nomination papers for a candidate after filing such papers containing a sufficient number of certified names to make a nomination, with one fifth of such number added thereto. One of the signers to each nomination paper shall make oath to the truth of the statements therein, and the certification of such oath and the post office address of the signer shall be annexed to such paper.

Women may sign, etc.
To be submitted to registrars, etc.

One of the signers to make oath, etc.

SECTION 142. A notary public, justice of the peace or other magistrate, when taking the oath of a signer of a nomination paper, shall satisfy himself that the person to whom the oath is administered is the person signing such nomination paper, and shall so state in his attestation of said oath.

Magistrates to satisfy themselves as to identity of persons making oath.

SECTION 143. All certificates of nomination and nomination papers shall, in addition to the names of candidates, specify as to each: (1) his residence with street and number thereof, if any; (2) the office for which he is nominated; and (3), except as hereinafter provided, the party or political principle which he represents, expressed in not more than three words. Certificates of nomination shall also state what provision, if any, was

Contents of certificates and papers.

made by the caucus or convention for filling vacancies caused by the death, withdrawal or ineligibility of candidates. The names of the candidates for president and vice president of the United States may be added to the party or political designation of the candidates for presidential electors. To the name of each candidate for the office of alderman at large shall be added the number of the ward in which he resides.

Designation
in certain cases.

If a candidate is nominated otherwise than by a political party, the name of a political party shall not be used in his political designation, except as describing and preceding some other name or term, which shall not be the name of any party which cast at the last preceding election more than three thousand votes for governor; and if so used in case of a candidate nominated by a nomination paper the political designation shall consist of not more than two words, shall not be changed after having been placed upon the paper, and to it shall be added the words "nomination paper", or, as abbreviated, "nom. paper". Certificates of nomination and nomination papers for town offices may or may not include a designation of the party or principle which the candidate represents.

Nominations to
be filed, etc.

SECTION 144. Certificates of nomination and nomination papers for state offices shall be filed with the secretary of the Commonwealth; and for city and town offices with the city or town clerk; and in Boston with the election commissioners. Every nomination paper shall be filed by a responsible person, who shall with his own hand sign such paper and add to his signature his place of residence, giving street and number, if any; and the secretary of the Commonwealth or the city or town clerk shall require a satisfactory identification of such person. No nomination paper shall be received or be valid unless the written acceptance of the candidate thereby nominated shall be filed therewith.

Acceptance to
be filed with
nomination
paper.

Last days for
filing with
secretary of the
Commonwealth.

SECTION 145. Certificates of nomination for offices to be filled by the voters of the Commonwealth shall be filed on or before the fifth Monday, and nomination papers on or before the fourth Monday preceding the day of the election. For all other state offices, certificates of nomination shall be filed on or before the third Thursday, and nomination papers on or before the third Friday preceding the day of the election; but when there is a special election to fill any state office, certificates of nom-

ination shall be filed on or before the twelfth day, and nomination papers on or before the eleventh day preceding the day of such election.

In cities, except Boston, certificates of nomination for city offices shall be filed on or before the second Wednesday; and nomination papers on or before the second Friday preceding the day of the election.

In cities, except Boston.

In Boston certificates of nomination for city offices shall be filed on or before the third Friday; and nomination papers on or before the third Saturday preceding the day of the election.

In Boston.

In towns certificates of nomination for town offices shall be filed on or before the second Saturday, and nomination papers on or before the Monday preceding the day of the election; provided that, whenever such Saturday falls on a legal holiday, said certificates of nomination shall be filed on or before the preceding day, and whenever such Monday falls on a legal holiday said nomination papers shall be filed on or before the succeeding day; but when a town election is held on a day of the week other than Monday, such certificates of nomination and nomination papers shall be filed respectively on or before the ninth and seventh days preceding the day of the election.

Last days for filing in towns.

Certificates of nomination and nomination papers shall be filed before five o'clock in the afternoon of the last day fixed for the filing thereof.

Last hour for filing.

SECTION 146. When certificates of nomination and nomination papers have been filed, and are in apparent conformity with law, they shall be valid unless objections thereto are made in writing. Such objections to nominations of candidates for state offices and city offices shall be filed with the secretary of the Commonwealth or the city clerk, or in Boston the election commissioners, respectively, within the seventy-two hours succeeding five o'clock of the last day fixed for the filing of nomination papers for such office. Such objections to nominations of candidates for town offices shall be filed with the town clerk within the twenty-four hours succeeding five o'clock of the last day fixed for the filing of nomination papers for such office.

Nominations valid unless objected to, etc.

SECTION 147. Objections to certificates of nomination and nomination papers for state offices, and all other questions relating thereto, shall be considered by the

Consideration of objections.

state ballot law commission hereinafter provided for: to nominations for city offices, except in Boston, by the board of registrars, the city clerk and the city solicitor; in Boston, by the ballot law commission of said city; and to nominations for town offices, by the board of registrars.

Witnesses may be summoned, etc.

The boards constituted in cities and towns may, at hearings on such objections and questions, summon witnesses, administer oaths, and require the production of books and papers. Such witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties for default, as witnesses before the superior court. A summons may be signed and an oath may be administered by any member of such board, and the decision of a majority of the members thereof shall be final.

Notice to candidates and committees.

When such objection is filed, notice thereof shall be forthwith mailed by the secretary of the Commonwealth, or by the city or town clerk, or election commissioners, respectively, to the candidates affected thereby, addressed to their residences as given in the certificates of nomination or nomination papers, and to any party committee interested in the nomination to which objection is made.

Determination when several candidates have same designation.

When more candidates bearing the same political or other designation are nominated for an office than are to be elected thereto, such boards shall determine the candidates, if any, entitled to such designation.

Withdrawal of names of candidates.

SECTION 148. A person nominated as a candidate for any state or city office may withdraw his name from nomination by a request in writing signed by him and acknowledged before a justice of the peace, and filed with the officer with whom the nomination was filed within the seventy-two hours succeeding five o'clock of the last day fixed for the filing of nomination papers for such office. A person nominated for a town office may withdraw his name from nomination by a like request filed with the town clerk within the twenty-four hours succeeding five o'clock of the last day fixed for the filing of nomination papers for such office.

Nomination in case of death, withdrawal, etc.

SECTION 149. If a candidate nominated for a state, city or town office dies before the day of election, or withdraws his name from nomination, or is found ineligible, the vacancy may be filled by the same political party or persons who made the original nomination,

and in the same manner; or, if the time is insufficient therefor, the vacancy may be filled, if the nomination was made by a convention or caucus, in such manner as the convention or caucus may have prescribed, or, if no such provision has been made, by a regularly elected general or executive committee representing the political party or persons who held such convention or caucus. If a vacancy is caused by withdrawal, certificates of nomination made otherwise than in the original manner shall be filed within seventy-two hours succeeding five o'clock of the last day fixed for filing withdrawals. They shall be open to objection in the same manner, as far as practicable, as other certificates of nomination. No vacancy caused by withdrawal shall be filled before the withdrawal has been filed.

SECTION 150. When a nomination is made to fill a vacancy caused by the death, withdrawal or ineligibility of a candidate, the certificate of nomination shall, in addition to the other facts required, state the name of the original nominee, the fact of his death, withdrawal or ineligibility, and the proceedings had for filling the vacancy; and the presiding officer and secretary of the convention or caucus, or the chairman and secretary of an authorized committee, shall sign and make oath to the truth of the certificate, and it shall be accompanied by the written acceptance of the candidate nominated.

Certificate in case of nomination to fill vacancy.

SECTION 151. Certificates of nomination, nomination papers, objections thereto and withdrawals, when filed, shall, under proper regulations, be open to public inspection, and the secretary of the Commonwealth and the several city and town clerks, and in Boston the board of election commissioners, shall preserve the same in their respective offices for one year.

Certificates, etc., public inspection, preservation, etc.

SECTION 152. The secretary of the Commonwealth shall, upon application, provide blank forms for the nomination of candidates for all state offices; and he shall send blank forms for certificates of nomination for the office of representative in the general court to the clerk of each city and town for the use of any caucus or convention held therein for the nomination of candidates for that office. He shall likewise provide the clerks of towns, wherein official ballots are used, with blank forms for the nomination of candidates for town offices.

Blank forms for nominations.

7. STATE BALLOT LAW COMMISSION.

State ballot law commission, appointment, term, etc.

SECTION 153. There shall be a state ballot law commission consisting of three persons, one of whom shall annually in June or July be appointed by the governor with the advice and consent of the council, who shall hold his office for three years from the succeeding first day of August. The governor with the advice and consent of the council may remove any member of the commission, or fill any vacancy therein for the remainder of the unexpired term. There shall always be on said commission a member of each of the two leading political parties.

Not to hold certain other public office, etc.

SECTION 154. No member of said commission shall hold any public office except that of justice of the peace or notary public, or be a candidate for public office, or member or employee of any political committee. If any member of the commission shall be nominated as a candidate for public office and shall not in writing decline said nomination within three days, he shall be deemed to have vacated his office as a member of said commission.

May summon witnesses, administer oaths, etc.

SECTION 155. The state ballot law commission may summon witnesses, and administer to them oaths, and may require the production of books and papers at a hearing before it upon any matter within its jurisdiction. Witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties as witnesses summoned before the general court. A summons may be signed and an oath may be administered by any member of said commission.

Decision to be final.

SECTION 156. The decision of a majority of the members of the commission upon any matter within its jurisdiction shall be final.

Compensation.

SECTION 157. The members of the state ballot law commission shall each be paid such compensation for their services, not exceeding five hundred dollars annually, as the governor and council may determine; and the total expenditures by and on account of said commission shall not exceed the sum of two thousand dollars in any one year.

TITLE IV.

1. WARDS AND VOTING PRECINCTS.

Wards, new division of cities into.

SECTION 158. A city may, in the year nineteen hundred and five, and in every tenth year thereafter, before

the first day of May, by vote of its city council, make a new division of its territory into such number of wards as may be fixed by law. The boundaries of such wards shall be so arranged that the wards shall contain, as nearly as can be ascertained and as may be consistent with well-defined limits to each ward, equal numbers of voters. The city clerk shall forthwith give notice in writing to the secretary of the Commonwealth of the number and designations of the wards so established.

Secretary of the Commonwealth to be notified.

SECTION 159. Each city shall be divided into convenient voting precincts, designated by numbers or letters, and containing not more than one thousand registered male voters.

Voting precincts, designation, etc.

Every ward containing, according to the registration of voters at the preceding annual city election, one thousand or less registered male voters, shall constitute a voting precinct. If a ward contains, according to such registration, more than five hundred voters, the aldermen may, and if it contains more than one thousand voters shall, on or before the first Monday of July divide it into two or more voting precincts. If a voting precinct shall in any year, according to such registration, contain more than one thousand male voters, the aldermen shall in like manner either divide such precinct into two or more voting precincts or shall make a new division of the ward into voting precincts, so that no precinct shall contain more than one thousand registered male voters. Such precincts shall be so established as to contain, as nearly as may be, an equal number of voters, shall consist of compact and contiguous territory entirely within one ward, and be bounded, so far as possible, by the centre line of known streets or ways, or by other well-defined limits.

Division of wards into voting precincts, time, boundaries, etc.

SECTION 160. On or before the first Monday of July in the year of a redivision of a city into wards, the aldermen shall divide such city into voting precincts, conformably to the provisions of the preceding section.

Voting precincts under new division of wards.

SECTION 161. For all elections in the year of a redivision of a city into wards, for a special election held prior to the annual state election in the next succeeding year, and for the assessment of taxes, the wards as existing previous to such redivision shall continue, and for such purposes the election officers shall be appointed and hold office, and voting lists shall be prepared, and all other things required by law shall be done as if no such redivision had been made.

Wards as existing previous to new division to continue for certain purposes.

New division,
when to take
effect for other
purposes.

Map or descrip-
tion to be pub-
lished, etc.

For all other purposes the new division shall take effect on the first day of May of the year when it is made.

SECTION 162. When a ward has been divided into new voting precincts, or the voting precincts thereof have been changed, the aldermen shall forthwith cause a map or description of the division to be published, in which the new precincts shall be designated by numbers or letters and shall be defined clearly and, so far as possible, by known boundaries; and they shall cause such map or description to be posted in at least ten public places in each precinct of a ward so divided, and copies thereof furnished to the registrars of voters and the assessors, and to the election officers of each precinct so established.

Voting pre-
cincts in towns,
duty of select-
men.

SECTION 163. A town may direct its selectmen to prepare a division of the town into convenient voting precincts. The selectmen shall, so far as possible, make the centre line of streets or ways, or other well-defined limits, the boundaries of the proposed precincts, and shall designate them by numbers or letters. They shall, within sixty days, file a report of their doings with the town clerk, with a map or description of the proposed precincts, and with a statement of the number of male voters registered in each for the preceding annual election. The report shall be presented by the town clerk at the next succeeding town meeting, but it shall not be acted upon except at a meeting called for the purpose, and held at least seven days after the report has been filed. The division so reported may be amended at such meeting, and shall take effect when adopted. Elections of state officers held in such town more than sixty days after such action shall be held in the precincts so established. If such report shall be rejected the town may at any time direct the selectmen to prepare a new division.

Report to be
presented by
town clerk at
town meeting,
etc.

Changes may be
made in voting
precincts.

SECTION 164. A town may make any change in its voting precincts which the selectmen shall have recommended in a statement giving the boundaries, the designations of the proposed precincts and the number of male voters in each, registered for the preceding annual state or town election, filed with the town clerk at least seven days before a town meeting called for the purpose; but no changes other than those so proposed by the selectmen shall be made at such meeting.

Map or descrip-
tion to be
posted, etc.

SECTION 165. When a town has been divided into voting precincts or the voting precincts thereof have been

changed, the selectmen shall post, in the office of the town clerk and in at least three public places in each new precinct, a map or description in which the new precincts shall be designated by numbers or letters, and defined clearly and, so far as possible, by known boundaries; and they shall also furnish copies thereof to the registrars of voters and the assessors of such town, and to the election officers of each precinct so established.

SECTION 166. Any town may, at a meeting called for the purpose, discontinue its voting precincts; and subsequent elections therein shall be held as if no such division had been made. But it may, in any subsequent year, establish voting precincts as hereinbefore provided.

Voting precincts may be discontinued, etc.

SECTION 167. When wards of a city have been changed or when voting precincts in a city or town have been established, changed or discontinued, the city or town clerk shall forthwith give a notice thereof in writing to the secretary of the Commonwealth, stating the number and designation of such wards or such voting precincts and in a city the wards in which they are situated.

Notice to be given to secretary of the Commonwealth.

2. ELECTION OFFICERS.

SECTION 168. The mayor of every city shall annually in September, or as soon thereafter as possible, with the approval of the aldermen, appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors, who shall be qualified voters in the ward of which such precinct forms a part. He may, in like manner, appoint two inspectors and two deputy inspectors in addition. Every such nomination shall be acted upon by the aldermen not less than three nor more than ten days after it has been made.

Election officers, in cities, appointment, etc.

SECTION 169. The selectmen of every town divided into voting precincts shall annually, between the first and fifteenth day of October, appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two deputy inspectors, who shall be qualified voters of the precinct. They may, in like manner, appoint two inspectors and two deputy inspectors in addition.

For voting precincts in towns, appointment, etc.

SECTION 170. Such election officers shall be so appointed as equally to represent the two leading political

Election officers to equally represent the

two leading political parties, etc.

Term of office.

May be removed.

Removal of election officers in Boston on the day of an election.

Filling of vacancies in the number of election officers.

Candidates not eligible to act as election officers.

parties, except that, without disturbing the equal representation of such parties, not more than two of such election officers not representing either of them may be appointed. The warden shall be of a different political party from the clerk, and not more than one half of the inspectors shall be of the same political party. In each case the principal officer and his deputy shall be of the same political party. Every election officer shall hold office for the term of one year, beginning with the first day of November succeeding his appointment, and until his successor is appointed and qualified, or until his removal. An election officer may be removed by the mayor with the approval of the aldermen, or by the selectmen after a hearing, upon written charges of incompetence or official misconduct, preferred by the city or town clerk or by not less than six qualified voters of the ward, or, in a town, of the voting precinct in which the officer is appointed to act.

SECTION 171. In Boston, the election commissioners may upon the day of any election therein forthwith remove any election officer found to be incompetent or so conducting himself as to prejudice the public interest, and appoint some other person of the same political party in his place; and the officer so removed shall receive no compensation for services rendered on such day, and shall be disqualified for appointment as an election officer for one year thereafter.

SECTION 172. If a vacancy in the number of the election officers occurs before the first day of November in any year, or, in a city, after the annual state election and one week at least before the annual city election, or if an election officer declines his appointment and gives notice thereof to the city or town clerk before the first day of November, or, if at a special election the office of an election officer is vacant, the mayor, with the approval of the aldermen, or the selectmen, shall fill the vacancy, and the appointment shall be so made as to preserve the equal representation of the two leading political parties.

SECTION 173. No person shall at a state, city or town election be eligible or act as an election officer in a voting precinct in which he is a candidate for election, and if a person appointed an election officer becomes such a candidate, and does not forthwith resign his office, the mayor or selectmen shall, if he is a candidate at a state

election, remove him from office before the first day of November, or, if he is a candidate at a city election, the mayor shall so remove him at least eight days before the day of the election, or if he is a candidate at a town election, the selectmen shall remove him before the election.

SECTION 174. If a warden, clerk or inspector is absent at the opening of the polls or subsequently on the day of election, or if the office is vacant, the deputy of such officer shall act for that election in his place. If the warden and deputy warden, clerk and deputy clerk, or an inspector and his deputy, shall be absent, the voters of the precinct on nomination and by hand vote shall fill the vacancy and the officer so elected shall act during the remainder of the election; but otherwise no deputy officer shall act in an official capacity or be admitted to the space reserved for election officers while the polls are open or during the counting of the votes.

Deputy to act in absence of principal, etc.

SECTION 175. At state elections in cities and in towns divided into voting precincts, and in city elections, the presiding election officer of each voting place or precinct shall detail two inspectors of different political parties, to act as ballot clerks, who shall have charge of the ballots and shall furnish them to voters.

Ballot clerks of precincts, detail, duties.

SECTION 176. The selectmen in towns not divided into voting precincts shall, at meetings for the election of state officers, have the powers of wardens in cities or moderators in towns, and shall act by their chairman or senior member present, who shall be regarded as the presiding election officer.

Presiding officers in towns not divided, etc.

SECTION 177. At state elections in towns not divided into voting precincts, and at town elections in towns in which official ballots are used, the selectmen shall, before the opening of the polls, appoint two qualified voters as ballot clerks, who shall have charge of the ballots and shall furnish them to voters. The selectmen or the moderator presiding at such election may subsequently appoint additional ballot clerks, not exceeding one for every four hundred registered voters and majority fraction thereof, and may likewise fill any vacancy after the opening of the polls. Such ballot clerks shall be so appointed as to represent the two leading political parties as equally as may be, except that such additional ballot clerks may be appointed from voters not representing either of them.

Ballot clerks in certain towns, appointment, duties.

Political representation.

Oath of office of
election officers.

SECTION 178. Every election officer before entering upon the performance of his official duties shall be sworn before the city or town clerk, a justice of the peace, or the presiding officer or clerk at the polls, and a record thereof shall be made. In Boston the oath, except in case of vacancies filled at the polls, shall be taken before an election commissioner and record thereof made.

Tellers, ap-
pointment,
duties, etc.

SECTION 179. Selectmen of towns not divided into voting precincts shall, at least five days before a state or town election, appoint voters as tellers, to assist at the ballot box and in checking the names of voters upon the voting lists, and in canvassing and counting the votes. Presiding officers in such towns, at state and town elections, may appoint voters as additional tellers, and they shall do so when requested in writing by ten voters of the town. Tellers appointed at elections at which official ballots are used shall be so appointed that the election officers making and assisting in the canvass and count of votes shall equally represent the two leading political parties.

Political repre-
sentation.

Election offi-
cers, compensa-
tion.

SECTION 180. Election officers shall receive such compensation for each day's actual service as the city council or the selectmen respectively may determine, but no deputy officer shall receive compensation, except for attendance at the opening of the polls or for services in place of an absent officer.

City or town
clerk pro tem-
pore.

SECTION 181. If the office of city clerk shall be vacant, or if a city clerk shall be unable to perform the duties required by this act, the mayor shall appoint a clerk pro tempore to perform the duties required hereunder. If the office of town clerk shall be vacant, or a town clerk shall be unable to perform the duties required hereunder, the selectmen shall in writing under their hands appoint a clerk pro tempore. Such clerk pro tempore shall be sworn to the faithful discharge of his duties.

Supervisors of
elections, ap-
pointment,
political repre-
sentation.

SECTION 182. The governor, with the advice and consent of the council, shall, upon the petition in writing of ten qualified voters of a ward or of a town, presented to him at least twenty-one days before a state or city election therein, appoint for such ward or town or for each of such voting precincts as may be named in the petition, two voters of the city or town, who shall not be signers of the petition or members of any political committee or candidates for any office, to act as supervisors at such election. One supervisor shall be appointed from

each of the two leading political parties. They shall be sworn to the faithful performance of their duties by the city or town clerk or by a justice of the peace. The supervisors shall attend the polling places for which they are appointed, may challenge persons offering to vote, and shall witness the conduct of the election and the counting of votes, but they shall not make any statement tending to reveal the state of the polls before the public declaration of the vote; and they shall remain where the ballot boxes are kept after the polls are open and until the ballots are sealed for transmission to the officers entitled to receive them. Each supervisor may affix his signature, for the purpose of identification, to the copy of the record of votes cast, or attach thereto any statement touching the truth or fairness or conduct of the election. Supervisors shall receive such compensation for each day's actual service as the city council or the selectmen may determine.

To be sworn,
powers and
duties, compen-
sation.

3. VOTING PLACES.

SECTION 183. The aldermen in cities and the selectmen of every town divided into voting precincts shall, thirty days at least before the annual state or city election and ten days at least before any special election of a state or city officer therein, designate the polling place for each voting precinct and shall cause it to be suitably fitted up and prepared therefor. It shall be in a public, orderly and convenient portion of the precinct; but when no such polling place can be had within the precinct, they may designate a polling place in an adjoining precinct. No building or portion of a building shall be designated, or used as a polling place, in which intoxicating liquor has been sold within the thirty days preceding the day of the election. When the polling places have been designated, the aldermen shall, in at least ten public places in each precinct of the city, and the selectmen, in at least three public places in each precinct of the town, forthwith post a printed description of the polling places designated, and may give further notice thereof.

Polling places,
designation,
preparation, etc.

To be conveniently situated,
etc.

Certain buildings not to be used.

Notice to be given, etc.

SECTION 184. The board of aldermen and the selectmen shall cause each polling place in their respective cities and towns to be provided with a sufficient num-

Marking shelves
and guard rails
to be provided,
etc.

ber of suitable marking shelves or compartments, where voters may conveniently and secretly mark their ballots; and they shall cause a guard rail to be so placed that only persons who are inside thereof can approach within six feet of the ballot boxes or of the marking shelves or compartments. The ballot boxes and the marking shelves or compartments shall be in open view of persons in the polling place outside the guard rail. The number of marking shelves or compartments shall be not less than one for every seventy-five registered voters at such polling place, and not less than five in any voting precinct of a city, and not less than three in any town or voting precinct thereof. Each marking shelf or compartment shall at all times be provided with proper supplies and conveniences for marking the ballots.

Supplies, etc.,
for marking
ballots.

4. ELECTION APPARATUS AND BLANKS.

SECTION 185. The secretary of the Commonwealth shall, at the expense of the Commonwealth, provide every city and town with a state ballot box for use at every polling place therein. Such ballot boxes shall be approved by the secretary, the treasurer and receiver general, and the auditor of accounts, or by a majority of them, shall have sufficient locks and keys or seal fastenings, and shall contain mechanical devices for receiving, registering and cancelling every ballot deposited therein; but no such box shall record any distinguishing number or mark upon a ballot. They shall be purchased by the secretary at a price not exceeding fifty dollars each. He shall likewise provide every city and town with suitable blank forms and apparatus, approved as aforesaid, for use at each polling place by the election officers in the canvass and count of votes.

State ballot
boxes.

Blanks and
apparatus for
canvases of
votes.

Blanks and
envelopes for
returns of votes.

SECTION 186. The secretary of the Commonwealth shall provide every city and town with suitable blank forms and envelopes for all certificates, copies of records and returns required to be made to his office, with such printed directions thereon as he may deem necessary; and such other blank forms and suggestions and instructions as will assist the election officers in the performance of their duties. The clerk of the courts of the several counties shall in like manner provide cities and towns with

suitable blank forms and envelopes for all certificates, copies of records and returns required to be made to the county commissioners and boards of examiners.

SECTION 187. The clerk of each city or town shall provide therein a place for the safe keeping of the ballot boxes and counting apparatus furnished by the Commonwealth, shall have the care and custody thereof, and shall see that they are kept in good order and repair. The custody, care and repair of all such ballot boxes and apparatus shall be at the expense of the city or town, but shall be subject to the supervision and control of the secretary of the Commonwealth, who may, at the expense of the Commonwealth, subject to approval as aforesaid, cause necessary improvements to be made in any of such ballot boxes or apparatus.

Ballot boxes and apparatus, care, repair, etc.

SECTION 188. When a state ballot box becomes defective or is lost or destroyed, the secretary of the Commonwealth shall, upon application by the clerk of the city or town in which such box is used, provide another ballot box at the expense of such city or town.

Defective ballot boxes may be replaced.

SECTION 189. When state ballot boxes are approved and purchased, the persons of whom such ballot boxes are purchased shall give to the secretary of the Commonwealth a bond, with good and sufficient sureties, to keep such boxes in good working order for two years, at their own expense.

Persons of whom boxes are purchased to give bond, etc.

SECTION 190. The clerk of every city and of every town divided into voting precincts shall furnish to the clerk of each voting precinct a seal of suitable device, with a designation thereon of such precinct; and such seal shall be used in sealing all envelopes required by law to be used at the elections. The clerk of the precinct shall retain the custody of the seal, and shall, at the end of his term of office, deliver the same, with the records of the precinct and other official documents in his custody, to the city or town clerk.

Precinct seal, use, custody, etc.

SECTION 191. Every city and town clerk shall send to the election officers at each polling place, before the opening of the polls on the day of an election or meeting at which the same are required to be used, the ballot box, blank forms, and counting and other apparatus; and shall send therewith such ballot boxes, ballot box seals, blank forms and apparatus as may be required by the board of aldermen or by the selectmen.

Ballot box, apparatus, etc., to be sent to polling place.

5. PREPARATION AND FORM OF BALLOTS.

Ballots, preparation and furnishing.

SECTION 192. All ballots for use in elections of state officers shall be prepared and furnished by the secretary of the Commonwealth; all ballots for use in elections of city officers by the city clerk; and all ballots for use in elections of town officers, in a town which has voted to use official ballots, by the town clerk.

Not to be printed in certain establishments.

No ballots as herein provided shall be printed in any printing establishment owned or managed by the city of Boston.

General ballots.

SECTION 193. General ballots, for the use of male voters in a voting precinct or town, shall contain the names of all candidates duly nominated for election therein, and such ballots shall, except as provided in section one hundred and ninety-five of this act, contain the name of no other person.

Residence to be added to name of candidate.

To the name of each candidate for a state office shall be added the name of the city or town in which the candidate resides. To the name of each candidate for a city office shall be added the name of the street on which he resides, with his street number, if any; and to the name of each candidate for the office of alderman-at-large shall also be added the number of the ward in which he resides.

Political designation, etc.

To the name of each candidate for a state or city office shall be added his party or political designation, expressed in accordance with section one hundred and forty-three of this act. To the name of each candidate for a town office upon an official ballot shall be added the designation of the party or principle which he represents, contained in the certificate of nomination or nomination papers. No greater number of candidates for any office, bearing the same political designation, shall be placed upon the official ballot than are to be elected.

Candidates with same designation.

Designation of certain candidates nominated by nomination papers.

If the name of a political party is used in connection with some other name or term as the designation of a candidate nominated for a state or city office by a nomination paper, the words "nomination paper", or "nom. paper", shall be added to such political designation.

Arrangement of names.

SECTION 194. The names of candidates for every state, city and town office, except the names of candidates for presidential electors, shall be arranged under the designation of the office, in alphabetical order according to

the surnames ; but the names of candidates for the same office but for different terms of service therein shall be arranged in groups according to the length of their respective terms. Blank spaces shall be left at the end of the list of candidates for each different office, equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office. When the approval of a constitutional amendment or any other question is submitted to the voters, it shall be printed on the ballot after the names of the candidates.

Blank spaces to be left.

Questions submitted to voters.

Special ballots containing only the names of candidates for school committee shall also be prepared in like manner and printed for the use of women qualified by law to vote for school committee.

Special ballots.

Ballots shall be so printed as to give to each voter an opportunity to designate by a cross [X], or by the stamp provided for that purpose, in a square at the right of the name and designation of each candidate, and at the right of each question, his choice of candidates and his answer to such question ; and upon the ballots may be printed such directions as will aid the voter : for example, “ vote for one ”, “ vote for two ”, “ yes ”, “ no ”, and the like. On the back and outside of each ballot when folded shall be printed the words, “ Official Ballot for ”, followed by the designation of the voting precinct or town for which the ballot is prepared, the date of election, and a facsimile of the signature of the secretary of the Commonwealth, or city or town clerk who has caused the ballot to be prepared. Special ballots shall have the additional endorsement, “ For School Committee only.”

Squares and directions for marking.

Official endorsement.

SECTION 195. The names of candidates for presidential electors shall be arranged in groups, as presented in the several certificates of nomination or nomination papers ; and the groups shall be arranged in the alphabetical order of the surnames of the candidates for president, and the names of the candidates in each group shall be printed upon the ballots in two columns of equal width. If candidates are nominated at large and for the several congressional districts, the name and place of residence of one of the candidates at large shall be put at the head of each column, and the names of the other candidates with their places of residence and the numbers of their congressional districts shall follow in the numerical order

Presidential electors, arrangement of names of candidates, etc.

of the districts. The surnames of the candidates of each political party for the offices of president and vice president, with the political designation thereof at the right of the surnames, shall be placed in one line above the group of candidates of such party for electors. A sufficient square in which each voter may designate by a cross [X], or by a stamp provided for that purpose, his choice for electors shall be left at the right of each political designation: and no other space or margin shall be left in any such group of candidates.

Ballots, paper, size, form, type, etc.

SECTION 196. The official ballots shall, except as otherwise specially provided herein, be of ordinary white printing paper, of two or more pages, and shall, before distribution, be so folded as to measure not less than four and one half inches nor more than five inches in width, and not less than six inches nor more than thirteen and one half inches in length. The names of all candidates shall be printed in black ink in lines at a right angle with the length of the ballot. The names of all candidates, other than candidates for presidential electors and for president and vice president, and the initial letters of all names of candidates for presidential electors, shall be in capital letters not less than one eighth of an inch nor more than one quarter of an inch in height. The surnames and political designations of the candidates for president and vice president shall be in capital letters not less than three sixteenths of an inch in height.

Special ballots to be printed on colored paper.

The special ballots shall be printed on colored paper, of a different color from that of specimen ballots.

Ballots, state and city elections, number to be provided.

SECTION 197. Two sets of ballots, each of not less than sixty ballots for every fifty and fraction of fifty registered male voters, shall be provided for each polling place at which an election for state or city officers is to be held, and two sets of special ballots, each of not less than sixty ballots for every fifty and fraction of fifty women registered to vote for school committee.

Town elections, number to be provided.

When ballots are prepared by the town clerk, one set of general ballots of not less than sixty ballots for every fifty and fraction of fifty registered male voters shall be provided, and one set of special ballots of not less than sixty ballots for every fifty and fraction of fifty women registered to vote for school committee.

Partial ballots, for use in certain cases.

Sufficient partial ballots in state elections shall be prepared for voters who may be entitled to vote for a part

only of the officers to be voted for in a city or town. A statement shall be printed on the back of such ballots, in addition to the official endorsement, indicating the class of voters for whose use the ballots are furnished, and such ballots only shall be furnished to such voters.

SECTION 198. Ballots, in convenient numbers, shall be arranged in packages. A record of the number of ballots printed and delivered to each polling place shall be kept by the secretary of the Commonwealth, or the city or town clerk, for one year.

Ballots to be arranged in packages, etc.

SECTION 199. If a vacancy occurs or is declared in the list of nominations the name of the candidate nominated to fill such vacancy shall, if the ballots have not been printed, be placed on them, or, if the ballots have been printed, ballots containing the new nomination shall, when practicable, be substituted.

Printing of ballots when a vacancy occurs.

6. INFORMATION TO VOTERS.

SECTION 200. The secretary of the Commonwealth in state elections, city clerks in city elections, and town clerks in town elections at which official ballots are used, shall, for every such election, prepare and cause to be printed in large clear type cards containing full instructions to voters for obtaining ballots, marking them, obtaining assistance and new ballots in place of those accidentally spoiled; and on separate cards such abstracts of the laws imposing penalties upon voters as they shall deem proper. They shall also provide for each polling place ten or more specimen ballots which shall be facsimiles of the ballots provided for voting, but printed without the endorsements and on colored paper. The secretary of the Commonwealth shall provide copies of any proposed amendment to the constitution submitted to the people, with a heading in large type, Proposed Amendment to the Constitution.

Cards of instruction, etc.

Specimen ballots.

SECTION 201. The secretary of the Commonwealth shall, at least five days before state elections, transmit to the registrars printed lists of the names, residences and designations of candidates to be voted for at each polling place, substantially in the form of the official ballot, and also printed copies of any proposed amendment to the constitution. The registrars shall, upon the receipt thereof, conspicuously post in one or more public places

Lists of candidates, etc., state election, to be transmitted to registrars for posting.

in each voting precinct or town the lists and copies aforesaid for such precinct or town.

City election,
posting, publi-
cation.

SECTION 202. City clerks shall, at least four days before a city election, cause to be posted in every voting precinct the names, residences and designations of all candidates duly nominated and to be voted for in such city, substantially in the form of the official ballot, and cause the same to be published in at least two newspapers, if there are so many published in said city, representing so far as practicable the two leading political parties.

Town election,
posting.

SECTION 203. Town clerks in towns using official ballots shall, at least four days before an election therein, cause to be posted in one or more public places the names, residences and designations of all candidates duly nominated and to be voted for in such town, substantially in the form of the official ballot.

Lists of candi-
dates, etc., state
and city elec-
tions, to be
published.

SECTION 204. The secretary of the Commonwealth before state elections shall cause to be published a list of all candidates to be voted for in the county and the question on the approval and ratification of any proposed amendment to the constitution, and the city clerks before city elections, a list of all candidates to be voted for in their respective cities. Such lists and questions shall be in the form, as near as may be, in which they are to appear upon the official ballot, and said publication shall be made for state elections in at least two newspapers in the county and for city elections in at least two newspapers in the city, if there are so many in the county or city, representing so far as practicable the two leading political parties.

7. DELIVERY OF BALLOTS, ETC.

Ballots, etc.,
state elections,
packing.

SECTION 205. Each set of ballots for state elections shall be enclosed in one package by the secretary of the Commonwealth, sealed and marked with the number of ballots of each kind therein, and specimen ballots, cards of instruction, and copies of any proposed amendment to the constitution shall be enclosed in another package, and the whole shall be further enclosed in a single package with marks on the outside indicating its contents and the polling place for which it is intended.

Delivery,
record, etc.

He shall transmit to the city or town clerks at different times or by different means two sets of ballots, cards of instruction and copies of proposed amendments to the

constitution, so that both sets shall be received at least twelve hours before the date of election, and the clerks shall return receipts therefor to the secretary. He shall keep a record of the time when and the manner in which the several packages are transmitted, and shall preserve for one year the receipts therefor.

The clerk of each city and the clerk of each town using official ballots shall enclose the ballots, specimen ballots and cards of instruction for city or town elections in the same manner. City and town elections.

SECTION 206. The city or town clerk shall, on the day of every state or city election, before the opening of the polls, transmit to the election officers of each polling place therein one set of ballots with accompanying specimen ballots, cards of instruction and copies of proposed amendments to the constitution, which have been provided for such polling place; and the presiding election officer at the polling place shall receipt therefor to the clerk, and such receipt, with a record of the number of ballots transmitted, shall be kept in the clerk's office for one year. The second set of ballots shall be retained by the clerk until the receipt by him of a requisition in writing of the presiding election officer of any polling place, when it shall be transmitted to such polling place in the manner above provided as to the first set. At town elections, the town clerk shall deliver all such ballots, the specimen ballots and cards of instruction at the polling place on the day of the election before the opening of the polls. Delivery at polls, state and city elections.

SECTION 207. If the ballots provided for any polling place are not delivered, or if after delivery they are destroyed or stolen, the city or town clerk shall cause similar ballots to be prepared; and upon receipt of such new ballots, accompanied by a statement by the clerk under oath that they have been so prepared and transmitted by him, and that the original ballots have not been delivered or have been so destroyed or stolen, the ballots so substituted shall be used. Receipt, record.

TITLE V.

1. CALLING OF ELECTIONS.

SECTION 208. The annual state election for the choice of governor, lieutenant governor, councillors, secretary, treasurer and receiver general, attorney-general, auditor Second set.

Ballots, substituted, preparation, etc.

At town elections.

Annual state election, date, officers to be chosen.

of accounts, and senators and representatives in the general court, shall be held on the Tuesday next after the first Monday in November. There shall also be chosen at the annual state election, when required by law, presidential electors, and, in their respective districts or counties, representatives in congress, district attorneys, clerks of courts, registers of probate and insolvency, registers of deeds, county commissioners, special commissioners, sheriffs, and county treasurers.

Calls for elections in cities.

SECTION 209. Meetings of the voters of each city for the election of state officers and city officers, shall be called by the aldermen, and the city clerk shall, under their direction, cause notice of such meetings to be printed in one or more newspapers published in such city, and to be conspicuously posted in the office of the city clerk; and in Boston in at least four daily newspapers published therein. Such notices shall be in lieu of the notices or warrants for election required in any city by special statutes. Meetings of the voters of each town for the election of state officers and town officers shall be called as provided in section three hundred and twenty-five of this act. Meetings for the annual state, city and town elections shall be called at least seven days before the day prescribed for the holding thereof.

In towns.

Seven days' notice to be given.

Warrants, etc., to specify officers, etc.

SECTION 210. Notices or warrants for meetings for state and city elections, and for the election of town officers in towns where official ballots are used, shall specify by name all the offices to be voted for and state in full any proposed amendment to the constitution or other question submitted to the people. They shall specify the time when the polls will be opened, and in cities when the polls will be closed, and in towns when they may be closed.

Time for opening and closing polls, etc.

In cities, time of opening and closing polls.

In cities, the polls may be opened as early as six o'clock in the forenoon and shall be opened as early as ten o'clock in the forenoon and shall be kept open at least six hours, but in no case after the hour of sunset.

In towns, time of opening and closing polls.

In towns, at the election of state and town officers, the polls may be opened as early as six o'clock in the forenoon and shall be opened as early as twelve o'clock, noon, and shall be kept open at least four hours, and until the time specified in the warrant when they may be closed; and they may be kept open for such longer time as the meeting shall direct, but they shall not be kept open after the hour of sunset. After an announcement has been

made by the presiding officer of a time so fixed for closing the polls they shall not be closed at an earlier hour.

2. CONDUCT OF ELECTIONS.

SECTION 211. At an election of state or city officers, the presiding election officer at each polling place in a city or town shall, before the opening of the polls, post at least three cards of instruction, three copies of proposed constitutional amendments, if any, and at least five specimen ballots within the polling place outside the guard rail, and the cards of instruction and a copy of any proposed amendment in each marking compartment; and no other poster, card, handbill, placard, picture or circular, intended to influence the action of the voter, except a paster to be placed upon the official ballot, shall be posted, circulated or distributed in the polling place, in the building in which the polling place is located, or on the walls thereof, on the premises on which the building stands, or on the sidewalk adjoining the premises where such election is being held. Pastors to be placed on the official ballot shall be subject to all the restrictions imposed by sections one hundred and ninety-three and one hundred and ninety-six of this act as to names, residences and political designations of candidates and the size of type in which the names shall be printed. The presiding election officer shall at the opening of the polls publicly open the packages containing the ballots and deliver them to the ballot clerks.

State and city elections, posting of instructions, etc.

Pasters to be placed on official ballot, to be subject to certain restrictions.

Delivery of ballots to ballot clerks.

The town clerk shall, on the day of the election, before the opening of the polls, deliver the ballots to the ballot clerks, who shall receipt therefor, and their receipt shall be preserved in the office of the clerk for the period of one year. Where a moderator presides at such election no such ballots shall be delivered to voters until he has been chosen.

Delivery of ballots to ballot clerks, receipt, etc.

SECTION 212. The state ballot boxes shall be used for receiving the ballots in state and city elections, and in town elections where official ballots are used. The election officers at each polling place shall, at the opening of the polls and before any ballots are received, publicly open the ballot box, and ascertain by personal examination, and publicly show that the same is empty, and shall immediately thereafter lock or fasten the box.

State ballot boxes to be used, etc.

At opening of polls to be shown to be empty.

Record, custody of key.	The clerk of the precinct or town shall make a record of the condition of the box register, and, if a key is used, it shall be retained by the police officer or constable at the polling place. The ballot box shall not, after it is shown to be empty, be removed from public view until all ballots have been removed therefrom and the box has been relocked or sealed. The ballot box shall not be opened nor any ballot removed therefrom until the polls are closed, except as provided in section two hundred and thirty-four of this act; but in order to make room for ballots, the presiding officer may, in the presence of all the election officers, open the box and pack and press down the ballots therein.
Ballot box not to be removed from public view.	
Opening of box, removal of ballots, etc.	
Presiding officer to have charge of ballot box, etc.	The presiding officer of each polling place shall have charge of the ballot box and ballot box seal, and shall, at the close of each election, return the same, either personally or by a police officer or constable in attendance at the polling place, to the city or town clerk.
State ballot boxes, proceedings when impossible to use.	If it becomes impossible to use the state ballot box, the voting shall proceed in such manner as the presiding officer shall direct, and in such case the clerk shall record the reason why such ballot box is not used, and shall enclose an attested copy of such record in the envelope with the ballots cast. The provisions as to the use and custody of the state ballot box shall, so far as applicable, apply to the ballot box substituted therefor.
Provisions to apply to substitute.	
Voting lists, delivery and use.	SECTION 213. One voting list shall be delivered to the ballot clerks and another to the officers in charge of the ballot box. When a ballot is delivered to a voter his name shall be checked on the first list, and when he deposits his ballot it shall be checked on the second. The officer in charge of the ballot box and the officer in charge of the voting list shall be of different political parties.
Political representation at box and list.	
Statements not to be made prior to declaration of vote.	SECTION 214. No election officer shall, before the public declaration of the vote, make any statement of the number of ballots cast, the number of votes given for any person, the name of any person who has voted, or whose name has not been checked, or of any other fact tending to show the state of the polls.
Persons permitted within guard rail.	SECTION 215. No persons except the election officers, supervisors, and voters admitted for the purpose of voting, shall, during the progress of an election and until the public declaration of the vote, be permitted within

the guard rail, unless authorized by the election officers for the purpose of keeping order and enforcing the law.

SECTION 216. No more than four voters, besides election officers and supervisors, in excess of the number of marking compartments provided, shall be allowed at one time within the guard rail, and except the election officers and supervisors no voters shall be admitted therein after the time fixed for closing the polls, but voters previously admitted shall be allowed five minutes after the time so fixed to deposit their ballots.

Voters allowed within guard rail.

Time for deposit of ballots at close of polls.

SECTION 217. The presiding officer at each polling place shall enforce the performance of their duties by election officers. He shall have authority to maintain order and to enforce obedience to his lawful commands, during an election and the counting of the ballots after the close of the polls, in and about the polling place and to keep the access thereto open and unobstructed, and he may require any police officer, constable or other person to communicate his orders and directions and assist in their enforcement.

Presiding officers, general powers and duties.

SECTION 218. The board or officer in charge of the police force of each city and town shall detail a sufficient number of police officers or constables for each polling place at every election therein, to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the provisions of this act.

Police officers, etc., to preserve order, etc.

SECTION 219. Any person who, during an election or town meeting, shall, in a polling place or place of such meeting, smoke or have in his possession a lighted pipe, cigar or cigarette, or carry into any such place or keep therein any intoxicating liquor, shall be deemed guilty of disorderly conduct; and the presiding officer shall order him to remove such pipe, cigar, cigarette, or liquor, or to withdraw from such place, and for disobedience of such order shall cause him to be removed from such polling place or meeting.

Person smoking or having liquor, etc., to be removed.

SECTION 220. If a person at an election refuses to obey the lawful commands of the presiding officer or by disorderly conduct interrupts or disturbs the proceedings of an election officer, the presiding officer may require any police officer, constable or other person, to take him into custody and detain him until after the election; but

Offender to be detained, etc., but not prohibited from voting.

the presiding officer may, at any time, order his release. Such order of detention shall not be so enforced as to prevent such person, if a voter at that polling place, from voting.

Duties of officers when law is violated.

SECTION 221. Every election officer shall forthwith report any violation of the provisions of this title to the police officer or constable in attendance at the polling place, and such police officer or constable shall cause the offender to be prosecuted.

3. MANNER OF VOTING.

Voting, giving of name, delivery of ballot, etc.

SECTION 222. Each voter desiring to vote at a polling place where official ballots are used shall give his name, and, if requested, his residence to one of the ballot clerks, who shall thereupon distinctly announce the same; and if such name is found upon the voting list by the ballot clerk, he shall check and repeat the name and give one ballot to such voter, who shall then be admitted within the guard rail. If not entitled to vote for all the offices upon the ballot, he shall receive a partial ballot. The voter, if a woman, shall receive a special ballot containing the names of candidates for school committee only.

In Boston, person may be required to write his name, etc.

In Boston, a person applying to vote shall, upon the request of an election officer, be required to write his name in the blank space opposite his name as it appears on the voting list. If he refuses, he shall obtain from the election commissioners a certificate of his right to vote; but this shall not apply to any person not required by law to write as a condition of registration.

Stamps for marking ballots may be provided, etc.

SECTION 223. City and town clerks may provide, for use at caucuses and elections, as many stamps as there are marking compartments at each polling place. The design of the stamps for caucuses shall be the number of the ward, with a cross, thus $\times 7$, and for elections the number of the ward and precinct, with cross, thus, $\times 7/9$. At caucuses and elections for which such stamps are provided, they shall be used by all voters in marking their ballots, and ballots not so marked shall not be counted, but ballots from which the stamp mark has been erased with pencil or other device shall be counted as though no erasure had been made. The caucus or precinct clerk shall have custody of such stamps, and shall before the opening of the caucus or polls, in the presence of the

Custody, etc., of stamps.

voters and caucus or precinct officers, cause such stamps to be chained to each marking compartment; and he shall immediately after the polls are closed, before the ballots are removed from the ballot box, and in the presence of the voters and caucus or precinct officers place said stamps in a box, which shall be locked and sealed, and by him returned to the city or town clerk. In Boston the police officer in attendance at each caucus or voting precinct shall have the custody of the stamps and perform the duties connected therewith imposed on the precinct clerks in other cities.

SECTION 224. The voter on receiving his ballot, shall, without leaving the enclosed space, retire alone to one of the marking compartments, and shall, except in the case of voting for presidential electors, prepare his ballot by making a cross [X] in the square at the right of the name of each candidate for whom he intends to vote or by inserting the name of such candidate in the space provided therefor, and making a cross in the square at the right; and, upon a question submitted to the vote of the people, by making a cross in the square at the right of the answer which he intends to give.

Marking of
ballots.

SECTION 225. A voter may vote for an entire group of candidates for presidential electors by making a cross [X] in the square at the right of the party or political designation immediately above such group. If a voter does not intend to vote for any one candidate in the group he may erase his name and the cross shall count as a vote for each of the other candidates in such group. When, in place of a candidate whose name he has erased, a voter desires to vote for another person, he may insert his name in one of the blank spaces and make a cross in the square at the right thereof. A voter who does not mark for any group of candidates may vote for candidates for electors, up to the number to be elected, by inserting names in the blank spaces at the end of the groups of electors, and making a cross in the square at the right of each name so inserted.

Voting for
presidential
electors.

SECTION 226. A voter who declares on oath to the presiding officer, that he was a voter before the first day of May in the year eighteen hundred and fifty-seven and cannot read, or that from blindness or other physical disability he is unable to prepare his ballot, shall be assisted in the marking thereof by one or two of the

Assistance in
marking ballot.

election officers, who shall be of such political party, represented among the election officers, as the voter may request; and they shall certify, on the outside of the ballot, that it was marked with their assistance, and shall thereafter give no information regarding the same.

Certain marks upon ballot prohibited.

SECTION 227. Except as authorized by this title, no voter, election officer or other person shall place any mark upon a ballot by which it may be identified; nor shall any person place a mark against any name upon a ballot not cast by himself.

Voter spoiling ballot may obtain others, etc.

SECTION 228. If a voter spoils a ballot he may obtain two others, one at a time, upon returning each spoiled one, and all ballots so returned shall immediately be cancelled by the election officers.

Ballot to be folded, etc.

SECTION 229. Before leaving the marking compartment the voter shall fold his ballot, without displaying the marks thereon, as it was folded when received by him, and he shall keep it so folded until he has voted. A voter shall mark and deposit his ballot without undue delay and shall leave the space enclosed by the guard rail as soon as he has voted. No voter shall occupy a marking compartment occupied by another, nor remain within the guard rail more than ten minutes, nor occupy a voting compartment more than five minutes if all the marking compartments are in use and other voters are waiting to occupy the same.

Time allowed in enclosed space, etc.

Depositing ballot, giving name, etc.

SECTION 230. A voter after marking his ballot shall give his name and, if requested, his residence, to the presiding officer, who shall distinctly announce the same. If the name is found upon the voting list by the election officer he shall distinctly repeat the name and check it upon the voting list; and the voter may then deposit his ballot in the ballot box with the official endorsement uppermost and in sight. No ballot without the official endorsement, except as provided in section two hundred and seven of this act, shall be deposited in the ballot box. No person shall vote if his name is not on the voting list, nor until the election officer shall check his name thereon, unless he presents a certificate from the registrars of voters as provided by section sixty-five of this act.

None but official ballots allowed, etc.

Voter's name to be checked, etc.

Ballots not to be removed, etc.

SECTION 231. No person shall remove any ballot from the space enclosed by the guard rail, before the polls are closed. No voter, whose name has been checked on the voting list in charge of the ballot clerk, other than an

election officer or supervisor, shall again enter such enclosed space during the election.

SECTION 232. If in any state, city or town election at which official ballots are used, the right of a person offering to vote is challenged for any legal cause, the presiding officer shall administer to him the following oath :

Proceedings when vote is challenged.

You do solemnly swear [or affirm] that you are the identical person whom you represent yourself to be, that you are registered in this precinct [or town] and that you have not voted at this election.

He shall also be required to write his name and residence on the outside of the ballot offered, and the presiding officer shall add thereto the name of the person challenging and the cause assigned therefor, whereupon such ballot shall be received ; and no person shall make any statement or give any information in regard thereto, except as required by law. The clerk shall record the name and residence of every person who has been challenged and has voted.

4. COUNTING OF VOTES.

SECTION 233. The blank forms and apparatus provided by the secretary of the Commonwealth shall be used in ascertaining the result of the election or vote in state elections in cities and towns, in city elections, in elections of town officers in towns in which official ballots are used, and also in taking the vote upon any proposed amendment to the constitution, upon the question of granting licenses for the sale of intoxicating liquors, and upon any other question submitted by statute to the voters of the Commonwealth, or of any city or town, in which official ballots are used. If it is impossible to use such blank forms or apparatus, the canvass of the votes shall be made as the presiding officer shall direct ; and the clerk shall record the facts relating to the failure to use such blank forms or apparatus, and shall enclose an attested copy of such record in the envelope with the ballots cast.

State blanks and apparatus to be used, etc.

Proceedings when impossible to use.

SECTION 234. When the state ballot box is used, the clerk shall, as soon as the polls are closed, record the ballot box register. The election officers shall then, publicly and in the presence of the other election officers, count, audibly and distinctly, the number of names checked on each list and announce the same. The ballot box shall

Proceedings at close of polls.

Canvass of
ballots, etc.

In towns not
divided into vot-
ing precincts.

Announcement,
record, etc.

Ballots, pro-
ceedings, etc.,
to be kept in
open view, etc.

Removal of
ballots from
ballot box
before voting
has ceased,
counting, etc.

then be opened by the presiding officer and the ballots taken therefrom and audibly counted, one by one, and the whole number of ballots cast shall be publicly announced by him. The ballots may be divided into convenient packages, and, except as hereinafter provided, each block or package shall be canvassed and counted by two election officers representing the two leading political parties, detailed by the presiding officer; each election officer, in so canvassing and counting votes, shall be under the inspection of an election officer of a different political party. The result of the canvass and count shall be reported to the presiding officer, who shall cause it to be correctly recorded on the blank forms provided for the purpose. At state elections in towns not divided into voting precincts, the canvass and count of votes shall be made by the selectmen and town clerk, who may be assisted by the tellers.

The clerk in open meeting shall publicly announce the result of the vote, and enter in his records, in words at length, the total number of names of male and female voters checked on the voting lists, the total number of ballots cast, the names of all persons voted for, the number of votes for each person and the title of the office for which he was a candidate, the number of blank ballots for each office, and the number of affirmative and negative votes in answer to any question submitted to the voters, and shall forthwith make a copy of such record, certify and seal up the same, and deliver it to the city or town clerk, who shall forthwith enter it in his records.

The voting lists, and all ballots removed from the ballot box, shall be kept in open view of the voters present until enclosed and sealed up, and all proceedings in the canvass and counting of votes shall be public and in open view of the voters, and there shall be no adjournment or postponement until the canvass and counting are completed, and the voting lists and ballots are enclosed and sealed up.

In towns, and cities of less than one hundred thousand inhabitants according to the last national or state census, the ballot box at any polling place may be opened and ballots taken therefrom for counting when all the selectmen and the town clerk, or both the moderator and the town clerk, as the case may be, or all the election officers at the voting precinct shall so order. When the ballots

have been thus removed, the presiding officer shall select from the election officers an equal number from each of the two leading political parties, who shall canvass such ballots in accordance with this section; but no announcement of the result of such canvass shall be made by any election officer until the total result of the canvass of ballots has been ascertained.

No announcement to be made, etc.

SECTION 235. Where the use of a state ballot box is required no ballot shall be counted unless it has been deposited in and cancelled by such ballot box, or has been otherwise deposited according to the provisions of section two hundred and twelve of this act; and no ballot shall be counted in any election for which official ballots are provided except such ballots. If a voter marks more names than there are persons to be elected to an office, or if his choice cannot be determined, his ballot shall not be counted for such office. Ballots cast but not counted shall be marked "defective", on the outside thereof, and shall be preserved like other ballots.

Certain ballots not to be counted.

Defective ballots.

SECTION 236. The presiding officer at every polling place, at elections of state and city officers and of town officers in towns in which official ballots are used, shall, after the record of the counting has been made, cause all ballots cast to be publicly enclosed in an envelope and sealed up with the seal provided for the purpose and also with the private seal of any election officer who may desire to affix the same; and a majority of the election officers of the voting precinct or town shall endorse upon such envelope the polling place, the election and the date, and also a certificate that all the ballots cast by the voters of such precinct or town, and none other, are contained therein. He shall cause all ballots not cast to be enclosed in an envelope and sealed up as aforesaid, and shall certify on the envelope the contents thereof.

Ballots cast to be sealed up, endorsed, etc.

Unused ballots to be sealed up and certified.

Such presiding officer shall cause the voting lists to be enclosed in an envelope and sealed up as aforesaid, and a majority of the election officers shall certify thereon to the identity of the voting lists enclosed.

Voting lists to be sealed up and certified.

He shall forthwith personally deliver to the city or town clerk, or in Boston to the election commissioners, or transmit to him or them by the police officer or constable in attendance at the election, all the ballots cast, and not cast, the voting lists, the ballot box, ballot box seals, and counting apparatus.

Ballots, voting lists, etc., to be delivered to city or town clerk, etc.

Copies of voting lists as checked may be furnished.

SECTION 237. Upon written application, signed by at least ten voters in the town or ward of which the precinct forms a part, the city or town clerk, and in Boston the election commissioners, may open the envelope containing such voting list and may make a copy of the list as checked. In Boston such copies shall contain only the name and residence of the voter. After any such voting list has been so copied, said clerk or board shall at once enclose the list in an envelope and seal up the same and certify thereon to the identity of such lists.

Voting lists to be again sealed and certified.

Ballots cast, custody, destruction, etc.

SECTION 238. City and town clerks shall retain in their custody the envelope containing the ballots cast, without examining them or permitting them to be examined by any person except as required by law, and, upon the expiration of the period fixed for their preservation, shall cause such ballots to be destroyed.

Voting lists and unused ballots, custody, disposition.

City and town clerks shall retain in their custody the voting lists and ballots not cast as long as they retain the ballots cast. They shall then transmit such voting lists to the registrars of voters for future reference, and shall destroy the cancelled ballots.

5. RECORDS AND CERTIFICATES OF ELECTION.

Record not to be rejected when votes can be ascertained.

SECTION 239. No record of votes cast or copy thereof shall be rejected if the number of votes given for each candidate for an office can be ascertained therefrom.

Examination of precinct records, correction, etc.

SECTION 240. The aldermen and city clerk, in Boston the election commissioners, and the selectmen and town clerk in towns divided into voting precincts, shall forthwith after a state or city election, examine the copies of the records of the election officers, and if any error appears therein they shall forthwith give notice thereof to the officers by whom the error was made, who shall forthwith make an additional record under oath in conformity with the facts, and deliver a copy thereof to the city or town clerk or board; and such copy of the records made, with or without notice as aforesaid, shall be received by the city or town clerks or board at any time before the last day fixed for the transmission of copies of records of the votes cast in the city or town, or on which the results of the election are required to be declared.

Examination of precinct records, certification, etc.

The aldermen and city clerk, the election commissioners, and the selectmen and town clerk, shall examine all

original and all additional copies of the records and make them part of the records of such election, and shall certify and attest copies of the records of votes for the several candidates.

tion of copies,
etc.

SECTION 241. The clerk of each city and town within ten days, and in Boston the election commissioners within fifteen days, from the day of any election therein for representative in congress, governor, lieutenant governor, councillor, secretary, treasurer and receiver general, auditor of accounts, attorney-general, clerk of courts, register of probate and insolvency, sheriff, district attorney, or senator, or for presidential electors, shall transmit to the secretary of the Commonwealth copies of the records of votes for such officers, certified by the aldermen or the selectmen, or by the board of election commissioners, and attested and sealed by the clerk or by said board. The city or town clerk shall, within ten days after an election for county treasurer or register of deeds, transmit to the county commissioners, and within ten days after an election therein for county commissioners or special commissioners, transmit to the clerk of the courts the records of votes for such officers, certified, attested and sealed as aforesaid. In the city of Boston the records of the votes cast for register of deeds shall be transmitted by the election commissioners to the aldermen, and the records of the votes cast in the towns of Revere and Winthrop for county commissioner and special commissioners shall be transmitted to the clerk of the courts for the county of Middlesex.

Returns of votes
to secretary of
the Common-
wealth.

Returns of
votes to county
commissioners
and clerks of
courts.

For register of
deeds, in Bos-
ton.

For county com-
missioner, etc.,
in Revere and
Winthrop.

Such copies shall be transmitted in envelopes, upon which shall be stated the offices for which and the districts in which the votes were cast.

To be trans-
mitted in enve-
lopes properly
endorsed.

SECTION 242. If any such copy transmitted to the secretary of the Commonwealth is not sealed as required by law, he shall forthwith give notice thereof to the officers who transmitted the same; and thereupon another copy shall be made, attested, certified, sealed, and transmitted to the secretary. If the second copy is received by him before determination of the persons appearing to be elected, and the original appears to be in substantial conformity therewith, the original copy shall not be rejected.

Proceedings
when received
unsealed.

SECTION 243. The secretary of the Commonwealth shall cause the date of the receipt of each copy of the records of votes to be endorsed on the envelope contain-

On receipt,
memorandum
to be made.

ing it; and if received unsealed, a memorandum thereof shall be made on the copy.

Examination of returns of votes.

SECTION 244. The secretary of the Commonwealth shall lay before the governor and council the copies of the records of votes cast with their seals unbroken. The governor with five councillors, at least, shall, as soon as may be, open and examine all such copies and determine who are elected to the several offices. Upon such determination the secretary, upon application, shall furnish to newspapers an abstract of the records of the votes examined.

Abstract to be furnished to newspapers.

Certificate of examination.

SECTION 245. The governor shall, in the presence of at least five councillors, certify to the results of the examination of the copies of the records of the votes for governor and lieutenant governor, for councillors, for secretary, treasurer and receiver general, auditor of accounts, and attorney-general, and for senators, and shall issue his summons to such persons as appear to be chosen to the said offices. The governor shall issue certificates of election to such persons as appear to be chosen to the offices of representative in congress, clerk of the courts, register of probate and insolvency, sheriff, and district attorney, which shall be countersigned and transmitted by the secretary.

Summons to be issued.

Certificates of election to be issued.

Returns, etc., to be delivered to the secretary.

SECTION 246. After such certification, such copies shall be replaced in their respective envelopes and delivered with the certificate of examination to the secretary, who shall on the first Wednesday in January lay the same, with schedules showing the number of ballots cast for each person voted for, before the senate and house of representatives.

To be laid before legislature.

To be filed in office of secretary.

Except for the above purposes, all such copies, both original and corrected, transmitted to the secretary, shall remain on file in his office and be there open to the inspection of any interested party.

Presidential electors, examination of returns of votes.

SECTION 247. The copies of the records of votes for presidential electors shall, in any event, within ten days after they have been transmitted to the secretary of the Commonwealth be opened and examined by the governor and council, who shall thereafter declare, by proclamation printed in at least one newspaper in each county, the names of the persons who have received at least one fifth of the entire number of votes cast for electors, and the number of votes received by each such person.

Proclamation.

Certificates of election to be issued unless contested.

The several persons, to the number of electors required to be chosen, who have received the highest number of votes so ascertained, unless notice of a contest has been

received by the governor, shall, at the expiration of fourteen days from the date of such proclamation, be deemed to be elected; and the governor shall thereupon issue a certificate of election to every such person.

SECTION 248. Any person who appears, by the proclamation of the governor, to have received not less than one fifth of the entire number of votes cast for electors, may, when the election is contested, apply by petition to the supreme judicial court for the county of Suffolk for a declaration of his election as an elector. Such petition shall set forth the name of every person whose election is contested and the ground for the contest, shall be filed within seven days from the date of such proclamation and shall not thereafter be amended. Before any proceedings thereon, the petitioner shall recognize to the Commonwealth, in such sum and with such sureties as the court shall order, to pay all costs incurred in the prosecution of his petition, if he shall not prevail. If the petitioner prevails, the costs shall be paid by the Commonwealth. The court shall fix a day for a hearing by the full court, which shall be not less than three nor more than seven days from the date of the filing of the petition, and shall order notice of the hearing to be given, with a statement of the substance of the petition in such manner as it may direct, to the governor and to every person whose election is contested. The court shall also order such notice to be published in at least one newspaper designated by it in each county.

Certain persons may petition for a declaration of election.

Day to be fixed for hearing, notice, etc.

SECTION 249. The petitioner and the contestant may appear and produce evidence at the hearing, and no person other than the petitioner or a contestant shall be made a party to the proceedings on such petition, or be heard thereon. If more than one petition is pending, or the election of more than one person is contested, the court may, in its discretion, order the cases to be heard together and shall apportion the costs between them, and shall finally determine all questions of law and fact. No person shall be excused from testifying or producing papers or documents therein on the ground that his testimony or the production of the papers or documents will tend to criminate him; but no person so testifying shall be liable to any suit or prosecution, civil or criminal, for any matter or cause in respect of which he shall be so examined or to which his testimony shall relate, except to a prosecution for perjury committed in such testimony.

Petitioner and contestant may appear and produce evidence, etc.

Witnesses, not to be excused, not liable to prosecution, etc.

Court to certify its decision to governor, etc.

The court shall forthwith certify its decision to the governor, who shall thereupon issue certificates of election in accordance therewith. If the petitioner does not prosecute his petition it shall be dismissed and notice thereof given to the governor, who shall issue certificates of election to the persons entitled thereto.

Returns of votes, county commissioners to examine, etc.

SECTION 250. The county commissioners to whom the copies of the records of votes for county treasurer and register of deeds have been transmitted shall, on the first Wednesday of the month following the election, examine such copies, determine what persons appear to be elected, issue certificates of election to them and give notice to the secretary of the Commonwealth of the name, residence and term of office of every person elected.

In county of Suffolk, proceedings of election commissioners of Boston.

In the county of Suffolk the election commissioners of Boston, shall, within ten days after the election of register of deeds, in like manner examine the copies of the records of votes, determine who appears to be elected, issue a certificate and give notice as above provided.

Board of examiners to examine in certain counties.

SECTION 251. In each county except Suffolk and Nantucket, the judge and register of the probate court and the clerk of the courts shall be a board of examiners; and if two of said offices are held by the same person in any county, the sheriff shall be a member of the board. The members of said board shall each be paid at the rate of three dollars a day for every day employed in the performance of their duties, and ten cents a mile for travel to and from the place of their meeting; and their accounts shall be audited and settled by the county treasurer. Said board shall meet on the first Wednesday of the month following an election for county commissioner or special commissioners and shall examine such copies, determine what persons appear to be elected, issue certificates of election to them, and give notice to the secretary of the Commonwealth of the name, residence and term of office of every person so elected, and shall within three days thereafter deposit said copies in the office of the clerk of the courts.

Notice to secretary of the Commonwealth.

When incomplete, etc., new returns to be made, etc.

SECTION 252. If it shall appear to the governor and council, to the board of examiners, or to the county commissioners, that any such copy is incomplete or erroneous, they may order a new copy of the records to be made and transmitted to them. Such new copy shall be transmitted by the city or town clerk within seven days thereafter,

and if found to be correct, and in conformity to the requirements of law, shall have the same force as a first copy.

SECTION 253. If a district for the election of representatives in the general court is composed of one city or town, or one or more wards of a city, the board of aldermen or the selectmen shall forthwith examine the records of the votes and determine who appear to be elected. The city or town clerk shall record the names of all persons for whom votes for representative were cast, and the number of votes for each.

Representative district, one city or town, etc., examination, record.

SECTION 254. In other representative districts the election officers in every voting precinct and the selectmen and town clerk of each town therein not divided into voting precincts, shall, as soon as the vote for representatives has been recorded, cause a complete copy of such record to be made, and shall certify, seal and deliver it to the city or town clerk.

In other districts copy of record to be delivered to city or town clerk.

The city and town clerks in such districts shall meet at the place designated, at noon on the tenth day following the day of the election, but on the fourth day following the day of an election to fill a vacancy. They shall examine the copies of the records of votes of every such voting precinct and town, and determine who appear to be elected to the office of representative. They shall make in words at length and certify a schedule of the names of all persons for whom votes for representative were cast in the district, and the number of votes for each, and the clerk of each city and town shall, within four days after the day of the meeting, record such schedule.

Clerks to meet and determine election, etc.

SECTION 255. If a representative district is included within the provisions of the preceding section, the officers authorized to divide the county into representative districts shall, in making such division, designate a place in each such district or adjacent thereto, at which the clerks shall meet to determine the result of the election. Such place of meeting may be changed on petition of two of such clerks after a hearing; but not oftener than once in two years. Notice of such designation and of every change thereof shall be given by the said officers having such authority to the secretary of the Commonwealth, and to every city and town clerk in the district.

Designation of place of meeting of clerks.

Place may be changed.

Notice to be given.

SECTION 256. If any error appears in the copies of the records of votes for a representative, the city and town clerks shall forthwith give notice thereof to the

Correction of errors in records of votes for representatives.

election officers, who shall thereupon make an additional record under oath, and transmit a copy thereof to said clerks. Such additional copy shall be examined by them if received within two days from the time appointed for their meeting; and for such purpose their meeting may be adjourned for not more than two days.

Certificates of election to be issued in duplicate.

Transmission.

SECTION 257. The board of aldermen, or the selectmen, or the city or town clerks, acting in a representative district, shall make duplicate certificates of election of the persons appearing to be elected, and shall, within fifteen days after the day of the election, transmit one certificate to the secretary of the Commonwealth, and shall, by a constable or other officer, transmit the other certificate to the person elected. Such certificates of election shall be in the following form:

Form of certificate.

Commonwealth of Massachusetts, county of .
At a meeting of the qualified voters of Representative District Number , held on the day of November instant, for the choice of Representatives in the General Court to be holden on the first Wednesday of January next , were elected to said office.

Dated at the day of in the year one thousand eight hundred and .

Officer transmitting to make return, etc.

There shall be printed on every such form, the first four sections of chapter two of the Public Statutes, and this section and section two hundred and seventy-three of this act. The officer transmitting the certificate shall make a return of his doings.

Returns of votes to secretary of the Commonwealth.

SECTION 258. City and town clerks shall, within fifteen days after an election for representative in the general court, transmit to the secretary of the Commonwealth an attested copy of the record of votes cast for all candidates for said office in each voting precinct and in each town not divided into voting precincts.

Whole number of ballots to be stated in records, etc.

SECTION 259. The whole number of ballots cast at elections shall be stated in words at length in the records of votes and in all copies thereof, but if not so stated the record or copy shall not be invalid if the true result can be ascertained therefrom.

Violation of certain requirements not to affect, etc.

SECTION 260. A violation of law by a public officer or election officer relative to providing ballot boxes, blank forms and other apparatus, and the care and preservation thereof, or to the manner of canvassing and counting votes, shall not invalidate any record or copy of

a record or certificate made by a city, precinct or town clerk, or affect the title of a person declared to be elected to office.

SECTION 261. The city or town clerk shall, within fifteen days after an election of state, city or town officers, certify to the secretary of the Commonwealth the total number of names of male and of female voters checked on the voting list at such election in each voting precinct or town.

Number of names checked to be certified to secretary of the Commonwealth.

SECTION 262. The secretary of the Commonwealth shall, before the first day of February, report to the general court the number of assessed polls, the number of registered male and female voters at the date of the preceding annual state election and city or town election, and the total number of persons, both male and female, who voted at each such election in every city and town and in every voting precinct therein, and the number of votes received by each candidate for a state office, arranged by cities, towns and districts, and a concise statement of other matters relating to elections, with such suggestions as he may deem advisable.

Report of number of assessed polls, registered voters, etc.

6. RECOUNTS OF VOTES.

SECTION 263. If a person who has received votes for any office at an election, within thirty days thereafter shall, by himself or by his agent, serve upon a city or town clerk a written claim to such office or a declaration of an intention to contest the election of any other person, the clerk shall retain the envelopes containing the ballots for such office until such claim is withdrawn or the contest is determined. The envelopes and ballots shall be subject to the order of the body to which such person claims to be elected, or of the officers required by law finally to examine the records and to issue certificates of election to such office, or of any court having jurisdiction thereof. Such body or officers may require the clerk to produce such envelopes and ballots, and may recount the ballots and amend any record or copy thereof in relation to such office.

Contested election, clerk to retain ballots.

Recount of ballots, etc.

SECTION 264. If, on or before five o'clock on the third day next succeeding the day of any election in any ward of a city or in any town, ten or more qualified voters of such ward or town shall sign, adding thereto their respec-

Errors in records of election officers, statement, etc.

tive residences on the first day of May of that year, swear to and file with the city or town clerk, or in Boston with the board of election commissioners, a statement that they have reason to believe, and do believe, that the records, or copies of records, made by the election officers of certain precincts in such ward or town, or in case of a town not voting by precincts by the election officers of such town, are erroneous, specifying wherein they deem them to be in error and that they believe a recount of the ballots cast in such precincts or town will affect the election of one or more candidates voted for at such election (specifying the candidates), or will affect the decision of a question voted upon at such election (specifying the question), the city or town clerk shall forthwith transmit such statement to the board of registrars of voters, together with the envelopes containing the ballots, sealed; and the board of registrars of voters shall, without unnecessary delay, open the envelopes, recount the ballots and determine the questions raised: *provided, however*, that in case of a recount of votes for town officers in a town where the selectmen are members of the board of registrars of voters said recount shall be made by the moderator, who shall have all the powers and perform all the duties conferred or imposed by this section upon registrars of voters.

Statement, etc.,
to be trans-
mitted to regis-
trars of voters.

Determination
of questions
raised.

Proviso.

Candidates and
persons repre-
senting peti-
tioners to be
notified.

Persons who
may be present
and witness
recount.

The board of registrars of voters, or in Boston the board of election commissioners, shall, before proceeding to recount the ballots, give notice in writing to the several candidates interested in such recount and liable to be affected thereby, or to such person as shall be designated by the petitioners for a recount of ballots cast upon questions submitted to the voters, of the time and place of making the recount, and each such candidate or person representing petitioners may appear and be present during such recount, either in person or by an agent appointed by him in writing. In the city of Boston, the chairman of the city committee representing the largest political party and the chairman of the city committee representing the second largest political party may in writing designate two persons, or such further number as the board of election commissioners may allow, to be present and witness the count, and said board shall allow each candidate whose election is in question, or his representative, to be present, and said

board may allow representatives of other political parties and other persons to be present and witness the recount.

All recounts shall be upon the questions designated in the statements filed, and no other count shall be made, or allowed to be made, or other information taken, or allowed to be taken, from the ballots on such recount.

Recounts to be upon questions designated in statements.

The board of registrars of voters shall, when the recount is complete, enclose all the ballots in their proper envelopes, seal each envelope with a seal provided for the purpose, and certify upon each envelope that the same has been opened and again sealed in conformity to law; and shall likewise make and sign a statement of their determination of the questions raised. The envelopes, with such statement, shall be returned to the city or town clerk, and he shall alter and amend such records as have been found to be erroneous in accordance with such determination: and the records so amended shall stand as the true records of the election. Such amended records of votes cast at a state election shall be made and transmitted as required by law in the case of copies of original records. If, in case of a recount of votes for town officers, it shall appear that a person was elected other than the person declared to have been elected, the board of registrars of voters shall forthwith make and sign a certificate of such fact, stating therein the number of votes cast, as determined by the recount, for each candidate for the office the election to which is disputed, and shall file the same with the town clerk. The town clerk shall record the certificate and shall, within twenty-four hours after such filing, cause a copy of such certificate, attested by him, to be delivered to or left at the residence of the person so declared to have been elected, and to the person who by such certificate appears to be elected.

Envelopes to be sealed and endorsed, etc.

To be returned to city or town clerk, etc.

Amended records, certificates of election.

Boards of registrars of voters are hereby authorized and empowered to employ such clerical assistance as they may deem necessary to enable them to carry out the provisions of this act in relation to recounts.

Clerical assistance.

SECTION 265. No officer recounting ballots shall, except as required by law, make any statement or give any information in regard to a ballot cast by a challenged voter.

Information not to be given regarding challenged voter.

SECTION 266. The board of aldermen shall not declare the result of an election for state or city officers, or of a vote upon any question submitted to the voters, until the

Result of elections in cities not to be declared until a certain time.

Persons elected
not to act until
certificates are
issued.

time for filing a petition for a recount of ballots has expired, or, if such petition has been filed, until the ballots have been recounted and the returns amended, notwithstanding any special act relating to such city. After the ballots have been recounted and the records amended, said board shall forthwith declare the result of the election, and the city clerk shall thereupon issue certificates of their election to the persons elected. No person elected to a city office shall act in an official capacity by virtue of such election before such certificate has been issued.

TITLE VI.

1. VOTING MACHINES AND APPARATUS.

Secretary,
treasurer and
auditor to ex-
amine voting
and counting
machines.

To approve cer-
tain machines.

Only approved
machines to be
used.

Cities and towns
may purchase
approved voting
and counting
machines.

Use of ma-
chines.

SECTION 267. The secretary of the Commonwealth, the treasurer and receiver general and the auditor of accounts shall at such times, under such conditions, and after such public notice as they shall determine, examine voting and counting machines and apparatus; and they shall certify their approval of such machines as, in their judgment, furnish convenient, simple and satisfactory means of voting and of ascertaining the true result thereof with facility and accuracy, special regard being had to the preventing and detecting of double voting; but no machine shall be approved which does not secure to the voter a degree of secrecy in voting equal to that afforded by the use of the official ballot as provided by law. No machine except such as is approved in accordance with the provisions of this section shall be used at any election or caucus in this Commonwealth; nor shall any such machines be used except in accordance with this and the three following sections.

SECTION 268. A city or town may, at a meeting held not less than ten days before the annual city election in a city and the annual town meeting in a town, determine upon, purchase and order the use of one or more voting and counting machines, approved as provided in the preceding section, at elections of state, city or town officers in said city or town, and thereafter at all elections of state, city or town officers in said city or town, until otherwise ordered by the aldermen in a city and the selectmen in a town, said machines shall be used for the purpose of voting for the officers to be elected at such elections and for taking the vote upon the question of

granting licenses for the sale of intoxicating liquors, and shall also be used at caucuses whenever in a town or a ward of a city fifty voters, members of the political party whose caucus is to be held, shall sign and file such request with the city or town clerk, or in Boston with the board of election commissioners: *provided, however*, that in Boston the power to determine upon voting and counting machines shall be vested in the board of election commissioners, and the power to purchase and order such machines shall be vested in the board of aldermen.

Proviso.

SECTION 269. When voting and counting machines are purchased and approved the persons of whom such machines are purchased shall give to the secretary of the Commonwealth a bond, with sufficient securities, to keep such machines in good working order for two years at their own expense.

Persons of whom machines are purchased to give bond, etc.

SECTION 270. The secretary of the Commonwealth, the treasurer and receiver general, and the auditor of accounts shall make regulations for the use of the machines approved by them, and prepare and furnish suitable instructions for the voters in cities or in towns where such machines are used.

Regulations to be made and instructions furnished.

TITLE VII.

1. PROCEEDINGS IN CASES OF FAILURE TO ELECT AND VACANCIES IN STATE OFFICES.

SECTION 271. If upon examination of the copies of the records of votes for presidential electors it appears that a majority of the whole number of electors has not been chosen, the governor shall forthwith, by proclamation, call together the general court; and the senators and representatives assembled in joint convention shall by ballot choose electors to complete the full number.

Presidential electors, failure to elect a majority.

If the whole number of electors has not been chosen when the electors meet on the second Wednesday in January, or if an elector has died or is then absent, the electors present shall forthwith choose from the citizens of the Commonwealth electors to complete the full number.

Vacancy or absence at time of meeting.

SECTION 272. Upon a failure to choose a representative in congress or upon a vacancy in said office, the governor shall cause precepts to be issued to the aldermen in every city and the selectmen in every town in the district, directing them to call meetings of the voters, on

Representative in congress, failure to elect or vacancy.

the day appointed therein, for the election of such representative.

Representative
in general court,
failure to elect
or vacancy.

SECTION 273. Upon a failure to choose a representative in the general court, a certificate thereof shall be forthwith transmitted to the secretary of the Commonwealth by the officers required to transmit certificates of election, and shall be by him laid before the speaker of the house of representatives. Upon such failure to elect and also upon a vacancy in the office, the speaker shall issue precepts to the board of aldermen of each city and the selectmen of each town comprising such district or any part thereof, appointing such time as the house of representatives may order, for an election to choose a representative. Upon the receipt of such precepts, the aldermen and the selectmen shall call meetings of the qualified voters in such district, to be held in accordance with the precepts.

District attorney
and county
officers, failure
to elect.

SECTION 274. Upon a failure to choose a district attorney, clerk of the courts, register of probate and insolvency, or sheriff, the governor shall cause precepts to be issued to the proper officers, directing them to call meetings of the voters, on the day appointed therein, for the election of such officer.

Vacancy, election.

Upon a vacancy by removal or otherwise in any of the above-named offices, he shall in like manner cause precepts to be issued for an election to fill such vacancy at the next annual state election for which precepts can be seasonably issued.

Vacancy, appointment.

Upon a vacancy in the office of district attorney, register of probate and insolvency or sheriff, the governor with the advice and consent of the council may appoint some person thereto until a district attorney, register of probate and insolvency or sheriff is elected and qualified. Upon a vacancy in the office of clerk of the courts in any county, or of the clerk of the supreme judicial court in the county of Suffolk, the justices of said court may appoint a clerk who shall hold the office until a clerk is elected and qualified.

Vacancy, clerk
of superior
court, Suffolk
county.

Upon a vacancy in the office of a clerk of the superior court in the county of Suffolk the justices of said court may appoint a clerk.

County treasurer,
register of
deeds, failure to
elect.

SECTION 275. Upon a failure to choose a county treasurer or a register of deeds for any county or district, except the counties of Suffolk and Nantucket, the county

commissioners shall forthwith issue precepts to the board of aldermen of each city and the selectmen of each town in such county or district, directing them to call meetings of the voters for the election of such officer on a day appointed therein.

Upon a vacancy by removal or otherwise in the office of county treasurer or of register of deeds in any county or district, except the counties of Suffolk and Nantucket, the county commissioners shall in like manner issue precepts for an election to fill such vacancy at the next annual state election for which precepts can be seasonably issued, and may appoint some person to fill such office until a person is elected thereto and qualified.

Vacancy, election.

Upon a failure to choose a register of deeds in the county of Suffolk, or upon a vacancy in that office, the board of aldermen of the city of Boston shall call meetings to elect a register of deeds or to fill such vacancy, as is above provided for an election in other counties; and, upon a vacancy in that office in said county of Suffolk, the superior court shall appoint some person to the office until a person is elected thereto and qualified.

Register of deeds, Suffolk, failure to elect, vacancy.

Upon a failure to choose a register of deeds in the county of Nantucket, or upon a vacancy in that office, the selectmen of the town of Nantucket shall call a meeting to elect a register of deeds as is above provided for an election in other counties, and may appoint some person to the office until a person is elected thereto and qualified.

Nantucket, failure to elect, vacancy.

SECTION 276. Upon a failure to choose a county commissioner or special commissioner, the board of examiners shall forthwith issue precepts to the board of aldermen of each city and to the selectmen of each town in such county, directing them to call meetings of the voters to elect such officer, on a day appointed therein. In the county of Middlesex, such precept shall also be issued to the board of aldermen of the city of Chelsea and the selectmen of the towns of Revere and Winthrop.

County or special commissioner, failure to elect.

Upon a vacancy by removal or otherwise in the office of county commissioner or special commissioner, the board of examiners shall in like manner issue precepts for an election to fill such vacancy at the next annual state election for which precepts can be seasonably issued, except that no such election shall be held unless the term of office of the commissioner whose office is so vacant

Vacancy, election.

extends beyond the first Wednesday of January next succeeding the day of such election.

Vacancy,
appointment.

Upon a vacancy in said offices, the county commissioners or the two remaining county commissioners, as the case may be, and the clerk of the courts for the county, or a majority of them, may appoint some person to fill such office until a person is duly elected to the office and qualified.

District attorney or county officers, vacancy.

SECTION 277. If there is a vacancy in the office of district attorney, clerk of the courts, register of probate and insolvency, sheriff, county treasurer, register of deeds, county commissioner or special commissioner, the term of which expires on the first Wednesday of January following the next annual state election for which precepts can be seasonably issued, no precepts shall be issued or election held to fill such vacancy.

Secretary of the Commonwealth to be notified.

SECTION 278. The county commissioners in each county shall forthwith notify the secretary of the Commonwealth of any vacancy in the office of county treasurer or of register of deeds: and the board of examiners shall give like notice to the secretary of any vacancy in the office of county commissioner or special commissioner, and in each case they shall send to him a copy of the precepts issued by them for an election.

Copy of precepts to secretary.

Elections to fill vacancies, proceedings.

SECTION 279. At elections held because of a failure to elect or to fill vacancies, the proceedings shall be the same, so far as applicable, as in elections to the same office at the annual state election.

TITLE VIII.

1. PROCEEDINGS OF PRESIDENTIAL ELECTORS.

Presidential electors, meeting, organization.

SECTION 280. The persons chosen presidential electors shall meet at the state house on the Saturday preceding the second Monday in January succeeding their election, at three o'clock in the afternoon, and organize by the choice of a presiding officer and secretary. The secretary of the Commonwealth shall call the meeting to order, call the roll of electors, and preside until a presiding officer shall be chosen.

Proceedings.

If, on the second Monday in January, the whole number of electors has not been chosen or if any electors have died or are then absent, the electors present shall forthwith choose from the citizens of this Commonwealth

electors to complete the full number. They shall thereupon vote by ballot for president and vice president of the United States, one of whom at least shall not be an inhabitant of this Commonwealth. They shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of government of the United States, directed to the president of the senate; and they shall in all respects proceed conformably to the constitution and laws of the United States. The secretary of the electoral college shall keep a journal of its proceedings and deposit the same in the office of the secretary of the Commonwealth, where it shall be recorded and filed.

Journal to be kept, etc.

SECTION 281. Each elector shall receive from the treasury of the Commonwealth three dollars for each day of attendance and one dollar for every five miles of travel from his place of residence to the place of meeting.

Compensation.

TITLE IX.

1. CORRUPT PRACTICES.

SECTION 282. No person shall, in order to aid or promote his own nomination as a candidate for public office, by caucus, convention or nomination paper, directly or indirectly, by himself or through another person, or by a political committee, give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing, except for personal expenses as hereinafter provided.

Candidate for public office, payment of money, etc.

SECTION 283. No person shall, in order to aid or promote his own nomination or election to a public office, directly or indirectly, by himself or through another person, promise to appoint, or promise to secure or assist in securing the appointment, nomination or election of another person to a public position or employment or to a position of honor, trust or emolument, except that he may announce or define what is his choice or purpose in relation to an election in which he may be called to take part, if elected.

Promise of appointment, etc.

SECTION 284. No person shall, in order to aid or promote his own election to a public office, directly or indi-

Payment, etc., of money regulated, etc.

rectly, by himself or through another person, give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing, except for personal expenses or to a political committee as hereinafter provided.

Personal expenses.

SECTION 285. A candidate for nomination or for election to a public office, and any other person, may incur and pay, in connection with such nomination or election, his own personal expenses for travelling and for purposes properly incidental to travelling; for writing, printing and preparing for transmission any letter, circular or other publication not issued at regular intervals, whereby he may state his position or views upon public or other questions; for stationery and postage, for telegraph, telephone and other public messenger service, and for other petty personal purposes, but all such expenses shall be limited to those which are directly incurred and paid by him. Such personal expenses need not be included in any statement required of him.

Need not be included in statement.

Voluntary payment to committee.

SECTION 286. A person nominated as a candidate or voted for with his assent for public office, may make a voluntary payment of money or a voluntary and unconditional promise of payment of money to a political committee for the promotion of the principles of the party which it represents, and for its general purposes.

Political committee.

SECTION 287. The term "political committee" under the provisions of this act relating to corrupt practices shall apply to every committee or combination of three or more persons who shall aid or promote the success or defeat of a political party or principle in a public election or shall aid or take part in the nomination, election or defeat of a candidate for public office. Every political committee shall have a treasurer, who is a voter of the Commonwealth, and shall cause him to keep detailed accounts of all money, or its equivalent, received by or promised to the committee, or by or to any person acting under its authority or in its behalf, and of all expenditures, disbursements and promises of payment or disbursement made by the committee or by any person acting under its authority or in its behalf. No person acting under its authority or behalf shall receive any money or its equivalent, or expend or disburse the same, until the committee has chosen a treasurer.

Treasurer, accounts.

Receipt or disbursement of money prohibited until treasurer is chosen.

SECTION 288. Whoever, acting under the authority or in behalf of a political committee receives any money or its equivalent, or promise of the same, or expends or incurs any liability to pay the same, shall, on demand, and in any event within fourteen days after such receipt, expenditure, promise or liability, give to the treasurer a detailed account of the same, with all vouchers required by this act, which shall be a part of the accounts and files of such treasurer.

Agent to account to treasurer, etc.

SECTION 289. The treasurer of every political committee which receives, expends or disburses any money or its equivalent, or incurs any liability to pay money in connection with any nomination or election to an amount exceeding twenty dollars, shall, within thirty days after such election, file a statement setting forth all the receipts, expenditures, disbursements and liabilities of the committee, and of every officer and other person acting under its authority or in its behalf. It shall include the amount in each case received, the name of the person or committee from whom received, the date of its receipt, the amount of every expenditure or disbursement, the name of the person or committee to whom it was made, and the date thereof; and, except where such expenditure or disbursement was made to another political committee, shall clearly state the purpose of such expenditure or disbursement; also the date and amount of every existing promise or liability, both to and from such committee, remaining unfulfilled and in force when the statement is made, the name of the person or committee to or from whom the unfulfilled promise or liability exists, and a clear statement of the purpose for which the promise or liability was made or incurred.

Treasurer to file statement.

Contents of statement.

SECTION 290. Whoever, acting otherwise than under the authority or in behalf of a political committee having a treasurer, receives money or its equivalent, or expends or disburses, or promises to expend or disburse money or its equivalent, to an amount exceeding twenty dollars, to aid or promote the success or defeat of a political party or principle in any election, or to aid or influence the nomination, election or defeat of a candidate for office, shall file in the city or town where he is a voter, the statement required by the preceding section, and shall be subject to all the duties required by this act

Certain persons to file statement, etc.

Persons not voters, receipts, expenditures, etc.

of a political committee or the treasurer thereof; but no person except a voter of the Commonwealth shall receive, expend or disburse any money or its equivalent or promise to expend or disburse any money or its equivalent, for either of the purposes above-named, except for personal expenses as is herein provided, or under the authority or in behalf of a political committee.

Payments, etc., name of payer, etc.

SECTION 291. No person shall, directly or indirectly, by himself or through another person, make a payment or promise of payment to a political committee or to any person acting under its authority or in its behalf, in any name except his own; nor shall such committee or person knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any other name than that of the person by whom it is made.

Soliciting, etc., money from candidate prohibited, etc.

SECTION 292. No political committee, and no person acting under its authority or in its behalf, shall demand, solicit, ask or invite a payment of money or promise of payment of money to be used in an election, from a person who has been nominated as a candidate for office in such election; and no such candidate shall make any such payment to a political committee or to any person acting under its authority or in its behalf, if such committee or person has demanded, solicited, asked or invited from him any such payment or promise of payment.

Candidate not to pay money when solicited, etc.

Naturalization fees, payment of, etc.

SECTION 293. No political committee and no person who is required to file a statement under the eleven preceding sections, shall make any payment or promise of payment of money to or in behalf of any person, for naturalization fees or for services as counsel or otherwise in assisting any one to obtain naturalization.

Treasurer's statement, filing, etc.

SECTION 294. The statement required by section two hundred and eighty-nine of this act shall be filed with the clerk of the city or town where the treasurer is a voter, or, if the political committee has headquarters, with the clerk of the city or town where such headquarters are maintained at the time of the election to which the statement relates.

Certain statement to be filed in duplicate, etc.

A statement relating to any other than a city or town election, or an election by a city council or by either branch thereof, shall be filed in duplicate, and one copy shall be forthwith forwarded by the city or town clerk to the secretary of the Commonwealth. Every person making a

Oath.

statement required by the provisions of this act shall make oath that the same is in all respects correct and true to the best of his knowledge and belief.

SECTION 295. The secretary of the Commonwealth shall inspect all statements filed with him under the preceding section, within sixty days after the same are filed, and upon discovery that any such statement does not conform to law, or upon complaint in writing of five registered voters that such statement does not conform to law or to the truth, or that any person has failed to file a statement required by law, said secretary shall, in writing, notify the delinquent person.

Secretary of the Commonwealth to inspect statements.

Delinquent persons to be notified.

Such complaint shall state in detail the grounds of objection, be sworn to by one of the subscribers and be filed with said secretary within sixty days after the election in question or within thirty days after the filing of a statement or amended statement.

Complaint to be filed with secretary.

SECTION 296. Upon the failure to file a statement or amended statement within ten days after receiving notice under the preceding section the secretary shall notify the proper district attorney, who shall, within two months, begin civil or criminal proceedings in the name of the Commonwealth.

District attorney to institute proceedings.

SECTION 297. In the case of any statement relating to city or town elections, or to an election on the part of a city council, or of either branch thereof, the provisions of the preceding sections shall apply to the respective city or town clerks instead of to the secretary of the Commonwealth.

Statements relating to city or town elections.

SECTION 298. The supreme judicial court or the superior court may compel any person who fails to file a statement as above required, or who files a statement which does not conform thereto in respect to its truth, sufficiency in detail, or otherwise, to file a sufficient statement, upon the application of the district attorney or petition of any candidate voted for, or of any five persons qualified to vote at the election on account of which the expenditures, or any part thereof, were made or are alleged to have been made. Such petition shall be brought within sixty days after such election, if the statement was filed within the thirty days required, but a petition may be filed within thirty days of any payment not included in the statement so filed. Proceedings under

Courts may compel the filing of statements, etc.

this section shall be advanced upon the request of either party for speedy trial. No petition brought under this act shall be discontinued without the consent of the attorney-general.

Witness not
liable, except,
etc.

SECTION 299. No person called to testify in any proceedings under the preceding section shall be liable to criminal prosecution under this act or otherwise, for any matters or causes in respect of which he shall be examined, or to which his testimony shall relate, except to prosecution for perjury committed in such testimony.

Statements to be
preserved, etc.

SECTION 300. All statements shall be preserved for fifteen months after the election to which they relate, and shall, under reasonable regulations, be open to public inspection.

Vouchers,
accounts, etc.,
preservation.

SECTION 301. Every payment required to be accounted for shall, unless the total expense payable to any one person is less than five dollars, be vouched for by a receipted bill stating the particulars of expense, and every voucher, receipt or account hereby required shall be preserved for six months after the election to which it relates.

Blank forms to
be provided.

SECTION 302. The secretary of the Commonwealth shall provide every city and town, at the expense of the Commonwealth, with blank forms, approved by the secretary of the Commonwealth, the treasurer and receiver general, and the auditor of accounts, suitable for the statements above required.

Nominations
and elections to
which provi-
sions shall
apply.

SECTION 303. The provisions of this act relative to corrupt practices shall apply to all public elections, except of town officers, and to elections by the general court and by city councils, and by either branch thereof, to the nomination by caucuses and conventions and nomination papers of candidates to be voted for at such elections. Sections two hundred and eighty-two, two hundred and eighty-four and two hundred and ninety-one of this act shall not apply to the proprietors and publishers of publications issued at regular intervals, in respect to the ordinary conduct of their business.

§§ 282, 284, 291
not to apply to
certain pub-
lishers.

2. INQUESTS IN ELECTION CASES.

Inquests in
certain cases of
alleged violation
of certain laws
relating to elec-
tions.

SECTION 304. Upon a complaint subscribed and sworn to by any person before a municipal, police or district court, or a trial justice, alleging that reasonable grounds

exist for believing that any law relating to the registration, qualification or assessment of voters, or to voting lists or ballots, or to caucuses, conventions and elections, or to any matters pertaining thereto, has been violated, such court or justice may at once hold an inquest to inquire into such alleged violation of the law.

SECTION 305. The court or trial justice may exclude all persons whose presence is not necessary at such inquest: and may also direct the witnesses to be kept so separated that they cannot converse with each other, until they have been examined. The attorney-general, the district attorney, or some person designated by either, shall attend the inquest and examine the witnesses.

Inquests may be private, etc.

Examination of witnesses.

SECTION 306. Such court, justice or attorney may issue subpoenas for witnesses, who shall be allowed the same fees, whose attendance may be enforced in the same manner, and who shall be subject to the same penalties, as if served with a subpoena in behalf of the Commonwealth in a criminal prosecution before such court or trial justice.

Witnesses, attendance, fees, etc.

SECTION 307. Such court or trial justice may employ a stenographer, and have the proceedings reduced to writing; and if he finds that the law has been violated, shall report to the superior court all the material facts and the names of any persons guilty of any such violation.

Stenographer may be employed, etc.

SECTION 308. The court or trial justice may bind over, as in criminal prosecutions, such witnesses as are necessary, or as said attorney may designate, to appear and testify at the court in which an indictment for such offence may be presented.

Witnesses may be bound over to appear, etc.

SECTION 309. If a person charged by the report with the commission of an offence is not in custody the court or trial justice shall forthwith issue process for his apprehension; but such process may issue before the filing of said report, if otherwise lawful.

Certain persons may be apprehended.

SECTION 310. No person shall be excused from testifying or producing any papers in any proceedings under the preceding section on the ground that his testimony may tend to criminate him or subject him to a penalty or forfeiture, but he shall not be prosecuted or be subjected to a penalty or forfeiture for or on account of any action, matter, or thing concerning which he may so testify, except for perjury committed in such testimony.

Witness not liable, except, etc.

TITLE X.

1. OFFICERS TO BE ELECTED AT STATE ELECTIONS.

State officers
elected an-
nually.

SECTION 311. At the annual state election there shall be chosen by the voters of the Commonwealth, as prescribed by the constitution, a governor, lieutenant governor, secretary, treasurer and receiver general, auditor, and attorney-general; by the voters in each councillor district, one councillor; by the voters in each senatorial district, one senator; and by the voters in each representative district, such number of representatives as the district is entitled to elect.

Presidential
electors.

SECTION 312. At the annual state election in each year in which presidential electors are required to be appointed, a number of electors equal to the whole number of senators and representatives in congress to which the Commonwealth is entitled shall be chosen by the voters of the Commonwealth.

Representatives
in congress;

SECTION 313. At the annual state election in every even numbered year a representative in congress shall be chosen by the voters in each congressional district.

District attor-
neys.

SECTION 314. At the annual state election in the year eighteen hundred and ninety-eight, and in every third year thereafter, a district attorney shall be chosen by the voters in each of the districts into which the Commonwealth is divided for the administration of the criminal law.

Clerks of
courts.

SECTION 315. At the annual state election in the year nineteen hundred and one, and in every fifth year thereafter, a clerk of the supreme judicial court for the county of Suffolk, and two clerks of the superior court, one for civil and one for criminal business, shall be chosen by the voters in said county; and a clerk of the courts who shall act as clerk of the supreme judicial court, of the superior court, and of the county commissioners, by the voters in each of the other counties.

Registers of
probate and in-
solvency.

SECTION 316. At the annual state election in the year eighteen hundred and ninety-eight, and in every fifth year thereafter, a register of probate and insolvency shall be chosen by the voters of each county.

Registers of
deeds.

SECTION 317. At the annual state election in the year nineteen hundred, and in every third year thereafter, a register of deeds shall be chosen by the voters of

each district for the registry of deeds, and of each county not divided into districts.

SECTION 318. At the annual state election there shall be chosen by the voters of the county of Middlesex and the towns of Revere and Winthrop, one county commissioner for said county and towns, and by the voters of each of the other counties, except the counties of Suffolk and Nantucket, one county commissioner for the county.

County commissioners.

At the annual state election in the year eighteen hundred and ninety-eight, and in every third year thereafter, there shall likewise be chosen by the voters of the county of Middlesex and the towns of Revere and Winthrop, two special commissioners for said county and towns, and by the voters of each of the other counties, except the counties of Suffolk and Nantucket, two special commissioners for the county.

Special commissioners.

Not more than one of the county commissioners and special commissioners shall be chosen from the same city or town. If two persons residing in the same city or town shall appear to be chosen to said offices, the person only who receives the larger number of votes shall be declared elected; but if they shall receive an equal number of votes, no person shall be declared elected. If a person residing in a city or town in which a county commissioner or a special commissioner who is to remain in office also resides, shall appear to be chosen, he shall not be declared elected. If the person is not declared elected by reason of the above provisions, the person receiving the next highest number of votes for the office, residing in another city or town, shall be declared elected.

Not more than one commissioner from same city or town.

SECTION 319. At the annual state election in the year eighteen hundred and ninety-eight, and in every third year thereafter, a sheriff shall be chosen by the voters in each county.

Sheriffs.

SECTION 320. At the annual state election in the year nineteen hundred, and in every third year thereafter, a county treasurer shall be chosen by the voters in each county, except the counties of Suffolk and Nantucket.

County treasurers.

SECTION 321. In the year nineteen hundred and five, and every tenth year thereafter, there shall be elected by the voters of the county of Suffolk at the annual state election, nine commissioners to apportion Suffolk county into representative districts, one of whom shall be a resident and voter in the town of Winthrop; one a resi-

Commissioners to apportion Suffolk county into representative districts.

dent and voter in the town of Revere ; two, residents and voters in the city of Chelsea ; and five, residents and voters in the city of Boston. The election and return of votes for said commissioners shall be in the same manner as for register of deeds for said county. Said commissioners shall hold office for one year, beginning on the first Wednesday of January next after their election.

Terms of office.

SECTION 322. District attorneys, registers of deeds, county commissioners, special commissioners, sheriffs and county treasurers shall hold their several offices for terms of three years, and clerks of the courts and registers of probate and insolvency for terms of five years, beginning with the first Wednesday of January in the year succeeding their respective elections and until their successors are chosen and qualified.

To be residents, etc.

SECTION 323. District attorneys, registers of deeds and county treasurers shall be residents of the counties or districts for which they are chosen.

TITLE XI.

1. PROVISIONS APPLICABLE TO TOWN MEETINGS.

Town meetings, time of holding, adjournments.

SECTION 324. The annual meeting of each town shall be held in February, March or April ; and other meetings may be held at such times as the selectmen may order. Meetings may be adjourned from time to time, and to any place within the town.

Warrants, notification.

SECTION 325. Every town meeting, except as herein-after provided, shall be called in pursuance of a warrant, under the hands of the selectmen, directed to the constables or to some other persons, who shall forthwith give notice of such meeting in the manner prescribed by the by-laws, or, if there are no by-laws, by a vote of the town. The warrant shall state the time and place of the meeting and the subjects to be there acted upon, and the selectmen shall insert in the warrant all subjects the insertion of which shall, in writing, be requested of them by any ten or more voters of the town. No action shall be valid unless the subject-matter thereof is contained in the warrant. Two or more distinct town meetings for distinct purposes may be called by the same warrant.

Contents.

Certain action not valid.

Warrant may include two or more meetings.

Warrants, in case of vacancy in office of selectmen.

SECTION 326. If a majority of the selectmen shall vacate their offices, or if the full number shall fail to be elected or qualified, the selectmen in office may call a town meeting.

SECTION 327. If the selectmen unreasonably refuse to call a town meeting, a justice of the peace, upon the application of ten or more voters of the town, may call a meeting by a warrant under his hand, stating the subjects to be acted upon, directed to the constables of the town if there are any, otherwise to any of the persons applying therefor, directing them to summon the inhabitants, qualified to vote in town affairs, to assemble at the time and place, and for the purposes expressed in the warrant.

Justice of peace may issue warrants in certain cases.

SECTION 328. At every town meeting, except for the election of state officers, a moderator shall first be chosen. Until the election of a moderator, the town clerk shall preside, but if he is absent, or, if there is no town clerk, the chairman of the selectmen, or the member longest in continuous service, shall preside, but if no selectman is present, the justice of the peace calling such meeting, if the meeting is so called, shall preside. Such presiding officer shall have the powers and perform the duties of a moderator.

Moderator, election, etc.

SECTION 329. The moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes, and may administer in open meeting the oath of office to any town officer chosen thereat. When a vote so declared is immediately questioned by seven or more of the voters, he shall verify it by polling the voters or by dividing the meeting, unless the town has by a previous order or by its by-laws provided another method.

Powers and duties.

When vote is questioned.

SECTION 330. No person shall address a town meeting without leave of the moderator, and all persons shall at the request of the moderator be silent. If a person, after warning from the moderator, persists in disorderly behavior, the moderator may order him to withdraw from the meeting; and if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the meeting is adjourned.

In case of persons addressing meeting, disorderly conduct, etc.

2. ELECTION OF TOWN OFFICERS.

SECTION 331. Every town at its annual meeting shall in every year, except as is otherwise provided in sections three hundred and thirty-five and three hundred and thirty-seven of this act, choose from the inhabitants thereof the following named town officers, who shall serve during the year :

Annual town meeting, officers to be elected.

A town clerk ;

Three, five, seven or nine selectmen ;

Three or more assessors ; and, if the town so votes, three or more assistant assessors ;

Three or more overseers of the poor ;

A town treasurer, whom the town may at any meeting appoint collector of taxes ;

One or more collectors of taxes, if the town so votes ;

One or more auditors, who shall hold no other town office ;

One or more surveyors of highways, if the town so votes ;

A road commissioner, if the town has provided for such officer ;

A sewer commissioner, if the town has provided for such officer ;

One or more constables, who shall also be collectors of taxes, unless other persons are specially chosen or appointed as such ;

Two or more field drivers ;

Two or more fence viewers ; and such other town officers as are required by law then to be chosen.

The town shall likewise at its annual meeting or at a meeting held in the same month in which the annual meeting occurs, choose members of the school committee, which committee shall consist of any number of persons divisible by three which said town has decided to elect, one third thereof to be elected annually, and to continue in office three years. No person shall be ineligible for said office by reason of sex. If a town fails or neglects to choose such committee, an election at a subsequent meeting shall be valid, and the town may, at its annual meeting, vote to increase or diminish the number of its school committee ; and any town in which ballots for town officers are provided at the expense of the town may vote so to change the number of its school committee at a meeting, other than the annual meeting, called for the purpose and held thirty days at least before the annual meeting at which such change is to become operative. Such increase shall be made by adding one or more to each class, to hold office according to the tenure of the class to which they are severally chosen. Such diminution shall be made by choosing, annually, such number as will in three years effect it, and a vote to diminish shall

School com-
mittee.

remain in force until the diminution under it is accomplished.

Women shall be eligible as overseers of the poor and school committee.

Women eligible for certain offices.

Any town may also elect a tree warden.

Tree warden.

SECTION 332. In towns which vote to accept the provisions of this section or have voted to accept the corresponding provisions of earlier laws, there shall be elected at the annual town meeting in each year, until such acceptance is revoked by the town at an annual meeting, a highway surveyor, who shall hold his office for one year. Upon the election of such surveyor the office of road commissioner shall terminate.

Certain towns to elect a highway surveyor.

SECTION 333. In towns not providing official ballots the question of the acceptance or revocation of the acceptance of the preceding section shall be voted upon only at an annual town meeting, and such vote shall take effect forthwith. In other towns the acceptance or the revocation of the acceptance may be voted upon at any meeting, and the vote shall take effect at the annual meeting held next after the expiration of sixty days from the date of such vote.

When to take effect, etc.

SECTION 334. A town may elect a board of health consisting of three persons, to serve for the terms of one, two and three years respectively, beginning with the day following the meeting at which they are elected, or until their respective successors are chosen and qualified; and thereafter such town shall, at its annual town meeting, choose one member of such board who shall hold office for three years from the day following such meeting and until another is chosen and qualified in his stead. If no such board is chosen the selectmen shall act as a board of health. In every town having more than five thousand inhabitants as determined by the last national or state census at least one member of the board, except when composed of the selectmen, shall be a physician.

Board of health, election, terms, etc.

If not elected selectmen to act.

One member to be a physician in certain towns.

SECTION 335. A town may, at an annual meeting or at a meeting held at least thirty days before the annual meeting at which such change is to become operative, vote to elect its selectmen, assessors or overseers of the poor in the following manner:

Selectmen, assessors and overseers of the poor, election in certain towns.

If the number fixed by the town is three, it shall at the annual meeting when such vote is passed, or at the next annual meeting, elect one for the term of one year, one

for the term of two years, and one for the term of three years; if the number is five, it shall elect one for the term of one year, two for terms of two years, and two for terms of three years; if the number is seven, it shall elect two for terms of one year, two for terms of two years, and three for terms of three years; if the number is nine, it shall elect three for terms of one year, three for terms of two years, and three for terms of three years; and at each annual meeting thereafter it shall elect one, two or three for the term of three years as the term of office of one, two, or three expires.

If the number of assessors is four, the town shall elect two assessors for terms of one year, and two assessors for terms of two years; and at each annual meeting thereafter it shall elect two assessors to serve for terms of two years.

In towns voting to increase or diminish the number.

SECTION 336. A town which votes at an annual meeting to increase or diminish the number of its selectmen, assessors, or overseers of the poor, may at that meeting or at any annual meeting thereafter elect one or more such additional officers, or omit to elect one or more such officers, so as to bring the number to the limit fixed by the vote of the town, with terms of office expiring in the manner provided in the preceding section; but one selectman, assessor and overseer of the poor shall be elected annually.

May rescind action.

A town which has voted to elect said officers as provided in the preceding section, may at any annual meeting rescind such action, but such rescission shall not affect the term of office of any such officer.

Town may vote to elect three road and three sewer commissioners.

SECTION 337. A town may vote to elect three road commissioners and three sewer commissioners in the following manner:

Election, term.

It shall, at the annual meeting when such vote is passed or at the next annual meeting, elect one for the term of one year, one for the term of two years, and one for the term of three years; and at each annual meeting thereafter it shall elect one for the term of three years.

May rescind action.

A town which has voted to elect said officers as herein provided, may at an annual meeting rescind such action, and thereupon the offices of road commissioners or sewer commissioners shall be abolished.

SECTION 338. The election of a moderator at a meeting for the choice of town officers shall be by ballot and the voting list shall be used thereat. If the number of voters registered for the annual town meeting shall exceed five hundred, no person shall print or distribute for use at the election of moderator at such meeting any ballots unless they shall be of plain white paper, in weight not less than that of ordinary printing paper, not less than five and one half nor more than six inches in length, and not less than three and one half nor more than four inches in width; shall have no printing, engraving, device, or mark upon the back thereof, and, if printed, shall be printed in black ink with the name of the candidate in a line parallel with the length of the ballot, and in capital letters not less than one eighth of an inch nor more than one quarter of an inch in height. Ballots for moderator although not in conformity with the above requirements shall be received and counted.

Moderator, election of, in certain cases, ballots.

Certain ballots to be counted.

SECTION 339. The election of town clerk, selectmen, assessors, overseers of the poor, town treasurer, auditor, collector of taxes, constables, road commissioners, sewer commissioners, board of health and school committee shall be by ballot; and the election of all other town officers shall be in such manner as the town may determine, unless otherwise provided by law. A town which chooses its assessors or overseers of the poor for one year, may, instead of electing such officers, provide by vote that the selectmen shall act also as assessors or as overseers of the poor, or both. Such vote shall in any town using official ballots be passed at a meeting held at least thirty days before the annual meeting at which such selectmen are to be chosen.

Town officers, manner of election.

SECTION 340. The voting list shall be used and the name of every person voting shall be checked thereon, in the election of all town officers whose election is by law required to be by ballot, and in voting upon the question of granting licenses for the sale of intoxicating liquors; but in the election of other town officers the meeting shall determine whether the voting list shall be used.

When voting list is to be used.

SECTION 341. When the town clerk, selectmen, assessors, treasurer, collector of taxes and school committee are voted for on one ballot, the moderator shall cause all such ballots when canvassed and counted, and record

Ballots to be sealed up, endorsed, etc.

thereof has been made, publicly to be enclosed in envelopes, which shall be sealed and endorsed, and certificate made thereon, in the manner required by section two hundred and thirty-six of this act.

Town clerk,
oath.

SECTION 342. A person elected town clerk, if present at the meeting, shall forthwith be sworn, either by the moderator or by a justice of the peace, and shall at once enter upon the performance of his duties. Every town officer designated by name in section three hundred and thirty-one of this act, unless other provision is specifically made by law, shall enter upon the performance of his duties on the day after his election or as soon thereafter as he is qualified, and shall hold office during the term fixed by law, which shall begin on the day after the annual meeting, and until another person is chosen and qualified in his stead.

Town officers,
term of office,
etc.

Town officers,
oath of office.

SECTION 343. Town officers designated by name in section three hundred and thirty-one of this act, shall, before entering upon their official duties, be sworn to the faithful performance thereof. Such oath may be administered by the moderator in open town meeting, or by the town clerk. The town clerk shall forthwith, after the election or appointment of town officers required to take an oath of office, make a list of the names of all such officers not sworn by him or by the moderator, and deliver it with his warrant to a constable requiring him within three days to summon each such person to appear and take the oath of office within seven days after the service of such summons upon him; and the constable shall within said seven days make return thereof to the town clerk. Persons so summoned, unless exempt by law from holding the office, shall within said seven days, take the oath of office before the town clerk, or before a justice of the peace, and file a certificate thereof with the town clerk.

Town clerk to
notify certain
officers to ap-
pear and take
oath within
seven days, etc.

Exemption
from liability to
hold office.

SECTION 344. No person shall be required to serve two years successively in the same town office; and no person shall be required to accept the office of constable who holds a commission as an officer of the United States or of the Commonwealth, who is a member of the council or of the general court, a minister of the gospel, an engineman, a member of the fire department, or who has been a constable or collector of taxes in the town within the preceding seven years. No person shall be required to serve in

the office of surveyor of highways oftener than once in three years.

SECTION 345. At any meeting for the choice of town officers in a town not using official ballots no ballot shall be received by the moderator unless presented for deposit in the ballot box, open and unfolded, by the voter in person, and so that the moderator can know that only one ballot is presented. No moderator or other election officer shall, before the polls are closed, read or examine, or permit to be read or examined, the names contained upon any ballot.

Depositing of certain ballots.

Ballots not to be read or examined before polls are closed.

SECTION 346. The moderator shall receive the votes of any person whose name is on the voting list, or who presents a proper certificate from the registrars of voters.

Moderator to receive votes of registered voters.

SECTION 347. The secretary of the Commonwealth shall at least seven days before the annual meeting send to the town clerk of each town not using official ballots, ballots upon the question of granting licenses for the sale of intoxicating liquors therein, which shall contain the words: "Shall licenses be granted for the sale of intoxicating liquors in this town?" "Yes." or "No.", and no other words. Ballots of each kind shall be provided in number equal at least to the number of registered voters in such town. They shall be distributed to the voters at the polling place under the direction of the town clerk.

Ballots for voting on question of granting liquor licenses.

Distribution.

SECTION 348. No ballot shall be received from any woman voting for school committee in a town not using official ballots unless it has the words "For School Committee only", on the back thereof. Such ballots shall be counted only in the choice of members of the school committee, and for no other office or purpose.

Ballots for women voting for school committee.

Counting.

SECTION 349. Towns divided into voting precincts may, for their annual town election, establish precinct voting for all town officers to be chosen thereat and for voting on the question of granting licenses for the sale of intoxicating liquors, by accepting the provisions of this section at a meeting called for the purpose and held fourteen days at least before the annual town meeting. In towns so voting, or which have accepted the corresponding provisions of earlier laws, all matters to be considered at the annual town meeting, other than the election of town officers and the question of granting licenses for the sale of intoxicating liquors, shall be in order only at a town meeting held within thirty days after the date of the

Towns may establish precinct voting for town officers and on question of granting liquor licenses.

Other matters to be acted upon at a subsequent meeting.

Time and place of holding subsequent meeting, etc.

Not to vote by precincts at special elections of town officers.

Town clerk and registrars to canvass returns and notify persons elected, etc.

annual election, and not later than the thirtieth day of April. The time and place of holding such subsequent meeting shall be stated in the warrant for the annual election, and said election, subsequent meeting and its adjournments shall be regarded as parts of the annual town meeting. The election of a moderator shall be the first business in order at said subsequent meeting. Towns are not hereby authorized to vote by precincts at special elections of town officers.

SECTION 350. The town clerk and the board of registrars, upon receipt of the returns from the several precincts, shall forthwith canvass the same and immediately declare the result and notify the persons chosen as town officers as provided in section three hundred and forty-three of this act. Nothing in this and the preceding section shall be construed as authorizing precinct voting in special elections of town officers to fill a vacancy or otherwise.

3. PROCEEDINGS IN CASES OF FAILURE TO ELECT AND VACANCIES IN TOWN OFFICES.

Vacancies, etc., in town offices, how filled.

SECTION 351. If there is a failure at an election to choose a town officer, or if a person chosen does not accept such office, or if a vacancy occurs, the town may, at any legal meeting, except as provided in section three hundred and fifty-four of this act, elect a person to such office.

When official ballots are used.

If at an election of town officers for which official ballots are used, there is a failure to elect a town officer, he may be elected at an adjourned or succeeding meeting; and for such meeting ballots shall be prepared and furnished, containing the nominations already made and such as may subsequently be made for the office.

Town clerk pro tempore, election.

SECTION 352. If, at a town meeting, there is a vacancy in the office of town clerk, or if he is absent, the meeting shall elect by ballot a clerk pro tempore. The selectmen shall receive and count the votes and declare the election of such clerk. When, in case of a vacancy, other duties than those required of a town clerk at a town meeting are to be performed, or when he is unable to perform such duties, the selectmen may in writing under their hands appoint a clerk for the performance thereof, who shall be sworn and shall, in the performance of such duties,

Clerk to be appointed in certain cases, etc.

have the same powers and be subject to the same requirements and penalties as the town clerk, and he shall immediately make a record of his election or appointment.

SECTION 353. A person chosen constable at a town meeting shall, if present, forthwith declare his acceptance or refusal of his office. If he does not accept the office, the town shall, if official ballots are not used, elect another person to the office, and continue so to elect until some person accepts the office and is sworn.

Constable, election, etc.

SECTION 354. If the assessors of a town, or the selectmen acting as such, shall in any year fail to perform their duties, the county commissioners may appoint three or more inhabitants of the county to be assessors for such town, who shall be sworn, shall hold office until the offices of assessors are filled by the town, and shall receive from the town the compensation of assessors.

Assessors may be appointed in certain cases, etc.

SECTION 355. When the office of treasurer or collector of taxes is vacant, or the treasurer or collector is unable to perform his duties, the selectmen may, in writing, appoint a treasurer or collector pro tempore, who shall be sworn, give bond in like manner as the treasurer or collector chosen by the town, and hold such office until another is chosen by the town and qualified, or the disability is removed. If a treasurer or collector does not, within ten days after his election or appointment, give bond, the selectmen may declare the office vacant and appoint another in his place.

Treasurer or collector, appointment.

To give bond, etc.

SECTION 356. If the office of an auditor in a town is vacant, the remaining auditors, if any, may perform the duties thereof and may appoint a person to aid them. If there is no remaining auditor, the selectmen shall appoint an auditor, until another is chosen and qualified.

Auditor, appointment.

SECTION 357. If there is a failure to elect or a vacancy occurs in any town office, other than the offices of selectman, town clerk, assessor, treasurer, collector of taxes or auditor, the selectmen shall, in writing, appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, the remaining members shall, in writing, give notice thereof to the selectmen, and thereupon the selectmen and such remaining member or members shall, after one week's notice, fill such vacancy by ballot, and a majority of the ballots of the officers

Certain officers, appointment, election, etc.

entitled to vote shall be necessary to such election. The person so appointed or elected shall perform the duties of the office until the next annual meeting or until another is chosen and qualified.

Vacancies, removal from town.

SECTION 358. If a person removes from a town, he shall thereby vacate any town office held by him.

Proceedings at elections.

SECTION 359. An election by reason of a failure to elect, or to fill a vacancy, and the qualifications of a person to be elected or appointed, shall be the same as in an original election.

4. TOWN ELECTIONS AT WHICH OFFICIAL BALLOTS ARE USED.

Town may vote to use official ballots, etc.

SECTION 360. A town may, at a meeting called for the purpose, vote that official ballots shall thereafter be used therein; and may, at the annual meeting or at a meeting so called and held at least thirty days before the annual town meeting, by a two thirds vote rescind such action.

Nominations, election, etc.

In town elections at which official ballots are used, nominations for town officers elected by ballot shall be made, ballots and other apparatus therefor provided, and elections of such officers conducted, in accordance with the provisions of this chapter so far as applicable thereto.

Number and terms of officers.

SECTION 361. When a town votes that official ballots shall be used for the election of town officers it shall at the same meeting determine what officers in addition to those required to be so elected shall thereafter be so chosen, and determine the number and terms of office if not already fixed. No change shall thereafter be made in the officers to be chosen by ballot or in the number or terms of office thereof, unless at a meeting held at least thirty days before the annual meeting at which such change is to become operative.

Change in officers to be chosen by ballot, etc.

TITLE XII.

1. PENALTIES UPON OFFICERS.

Penalties, on assessor or assistant assessor.

SECTION 362. An assessor or assistant assessor who knowingly enters on any list of assessed polls, or causes or allows to be entered thereon, the name of any person as a resident of a building, who is not a resident thereof, shall for each offence be punished by imprisonment in jail not exceeding six months.

SECTION 363. A registrar or assistant registrar who refuses or wilfully neglects to require, under section forty-eight, an applicant for registration to read the five lines from the constitution of the Commonwealth in such manner as to show that he is neither prompted nor reciting from memory, or to write his name in the register, unless he is prevented by physical disability from so doing, or unless he was a voter on the first day of May in the year eighteen hundred and fifty-seven, or distinctly to announce the name of an applicant for registration before entering his name upon the register, or who knowingly prevents or seeks to prevent the registration of any legal voter, or who knowingly registers the name of any person not qualified to vote, or who is guilty of any fraud or corrupt conduct in the execution of the duties of his office, shall be punished by imprisonment in jail not exceeding six months.

Penalties, on registrar or assistant registrar.

SECTION 364. An officer of a caucus or convention who knowingly makes any false count of ballots or votes, or makes a false statement or declaration of the result of a ballot or vote, or knowingly refuses to receive any ballot offered by a person qualified to vote at such caucus or convention, or wilfully alters, defaces or destroys any ballots cast, or voting lists used thereat, before the requirements of this act have been complied with, or declines or wilfully fails to receive any written request made as therein required, or declines or wilfully fails to perform any duty or obligation imposed thereby shall be punished by imprisonment in jail not exceeding three months.

On officer of a caucus or convention.

Any presiding officer, secretary or clerk of a caucus, who wilfully neglects or refuses to comply with the requirements of section ninety-eight of this act, shall be punished by a fine not exceeding fifty dollars for each offence.

On caucus officer neglecting to comply with requirements of § 98.

SECTION 365. A caucus officer who violates any of the provisions of section ninety-one of this act shall be punished by imprisonment in jail not exceeding one year.

On caucus officer violating any provisions of § 91.

SECTION 366. A supervisor appointed under section one hundred and eighty-two of this act, violating any provision thereof, shall be punished by imprisonment in jail not exceeding one year.

On supervisor violating any provisions of § 182.

SECTION 367. An election officer who, before the public declaration of the vote at an election, makes any statement of the number of ballots cast, of the number of votes

On election officer.

given for any person, of the name of any person who has voted, of the name of any person which has not been voted on, or of any other fact tending to show the state of the polls, shall be punished by imprisonment in jail not exceeding thirty days.

Penalties,
on presiding
officer.

SECTION 368. A presiding officer at a caucus or at a state or city election, or at an election in a town at which official ballots are used, who, when the right of a person offering to vote is challenged for any legal cause, wilfully or negligently fails to require the name and residence of such person to be written upon the ballot offered by him, and to add thereto the name of the person challenging and the assigned cause, before such ballot is received, shall be punished by imprisonment in jail not exceeding one year.

On officer
recounting
ballots.

SECTION 369. An election or other officer whose duty it is to recount the ballots cast at an election, who makes any statement or gives any information in regard to a ballot cast by a voter challenged at such election, except as required by law, shall be punished by imprisonment in jail not exceeding one year.

On presiding
officer at town
election.

SECTION 370. A presiding officer, who, at a town election at which official ballots are not used, before the polls are closed and without the consent of a voter, reads or examines, or permits to be read or examined, the names written on the ballot of such voter, in order to ascertain the persons voted for by him, shall be punished by imprisonment in jail not exceeding thirty days.

On election
officer.

SECTION 371. A presiding or other election officer who wilfully or negligently violates any provision relating to the enclosing in envelopes, sealing, endorsing and delivering or transmitting of ballots and voting lists after the votes have been counted and recorded, shall be punished by imprisonment in jail not exceeding one year.

On city or town
clerk.

SECTION 372. A city or town clerk who examines or permits to be examined, except as required by law, ballots cast at an election which are received and retained by him under section two hundred and thirty-eight of this act, shall be punished by a fine not exceeding two hundred dollars.

Same subject.

SECTION 373. A city or town clerk who fails to make record of votes cast at an election and to make and transmit copies of any such record, as required by this act, shall be punished by fine not exceeding two hundred dollars;

but if a copy of the records is deposited in the post office, within the time fixed for transmission or delivery, postpaid and properly addressed, it shall be a bar to any complaint for delinquency.

SECTION 374. A city or town clerk or a precinct clerk who wilfully signs a certificate not in accordance with the result of an election as appearing by the records and copies of records of votes cast or by a recount of votes, shall be punished by imprisonment in jail not exceeding one year.

Penalties, on city, town or precinct clerk.

SECTION 375. A selectman who wilfully gives a certificate of election to a person voted for as representative in the general court, not in accordance with the declaration of the vote in open town meeting at the time of the election, or not in accordance with a recount of votes, shall be punished by imprisonment in jail not exceeding one year.

On selectmen.

SECTION 376. Any public officer, caucus or election officer, or officer or member of a political committee or political convention, upon whom a duty is imposed by law, who refuses or wilfully neglects or wilfully fails to perform such duty, or who wilfully performs it contrary to law, shall for each offence, if no other penalty is herein specifically imposed therefor, be punished by imprisonment in jail not exceeding one year. Any election officer in the city of Boston who knowingly permits or aids in the violation of any provisions of law relating to registration or elections, shall be punished by imprisonment in the state prison for not more than three years, or in the house of correction for not less than six months.

On any public officer, caucus or election officer or officer or member of a political committee or convention, etc.

On election officer in Boston.

2. PENALTIES UPON VOTERS.

SECTION 377. Whoever at a caucus votes or attempts to vote, knowing that he is not entitled so to do, or votes or attempts to vote upon any name other than his own, or more than once on his own name, or casts or attempts to cast more than one ballot, or places any distinguishing mark upon a ballot, or makes a false statement as to his ability to mark his ballot, or unlawfully allows the marking of his ballot to be seen by any person, or gives a false answer to, or makes a false oath before, a presiding officer, shall be punished by imprisonment in jail not exceeding six months.

For illegal voting or attempting to vote, placing distinguishing mark on ballot.

For making false statement, unlawfully allowing marking of ballot to be seen, making false answer or oath.

Penalties,
for violating
provisions of
§ 91.

For placing
distinguishing
mark on ballot.

For making
false statement,
unlawfully
allowing ballot
to be seen.

For illegally
voting or at-
tempting to
vote.

For giving false
answer.

For refusal to
give true name,
information,
etc.

For giving
name of non-
resident.

SECTION 378. A voter who violates any of the provisions of section ninety-one of this act shall be punished by imprisonment in jail not exceeding one year.

SECTION 379. A voter who at an election places any distinguishing mark upon his ballot shall be punished by imprisonment in jail not exceeding six months.

SECTION 380. A voter who makes a false statement as to his inability to mark a ballot, or who, except for the purpose of obtaining assistance under section two hundred and twenty-six of this act, allows his ballot to be seen by any person with an intention of indicating how he is about to vote, shall be punished by a fine not exceeding one hundred dollars.

SECTION 381. Whoever at an election, knowing that he is not a qualified voter, wilfully votes thereat; whoever at an election votes more than once on his own name, his name having been registered more than once; whoever at an election votes in more than one voting precinct or town, his name having been registered in more than one voting precinct or town; whoever at an election votes or attempts to vote upon any name other than his own, or knowingly casts or attempts to cast more than one ballot at one time of balloting, shall be punished by imprisonment in jail not exceeding one year.

SECTION 382. Whoever at an election wilfully gives a false answer to a presiding officer shall be punished by a fine not exceeding one hundred dollars.

3. GENERAL PENALTIES.

SECTION 383. Whoever, being an inmate of a building, and liable to be assessed for a poll tax, refuses or neglects to give his true name when asked by an assessor or assistant assessor, or whoever, being an owner or occupant of a building, refuses or neglects to give the full and true information within his knowledge relating to all persons residing in such building, when asked by an assessor or assistant assessor, shall be punished by imprisonment in jail not exceeding three months.

SECTION 384. Whoever knowingly gives to an assessor or assistant assessor, for the purpose of the assessment of a poll tax, the name of any person as a resident of a building who is not a resident therein, shall be punished by imprisonment in jail not exceeding one year.

SECTION 385. Whoever knowingly or wilfully makes a false affidavit or takes a false oath, or signs a false certificate relative to the qualifications of any person for assessment or registration, shall be punished by imprisonment in jail not exceeding one year.

Penalties,
for false affi-
davit, oath or
certificate.

SECTION 386. Whoever causes his name to be registered, knowing that he is not a qualified voter in the place where he is so registered, or falsely represents, or attempts to represent himself as some other person to any registrar or assistant registrar, or gives a false answer to either, concerning any matter relating to the registration of a voter, or the right of any person to vote, or aids or abets any other person in doing any of the acts above-mentioned, shall be punished by imprisonment in jail not exceeding one year. Whoever, in the city of Boston, gives a false answer to any authorized question relating to his registration asked by any election commissioner or deputy commissioner in the city of Boston, or attempts to register under a name other than his own, or otherwise to register illegally, or votes or attempts to vote under a name other than his own, or otherwise to vote illegally, shall be punished by imprisonment in the state prison for not more than three years, or in the house of correction for not less than six months.

For registering
when not qual-
ified, false repre-
sentation,
answer, etc.

For giving false
answer, il-
legally register-
ing, voting or
attempting to
vote, etc., in
the city of
Boston.

SECTION 387. Whoever refuses to obey the lawful orders or directions of a registrar or assistant registrar, or interrupts or disturbs the proceedings at any registration, shall be punished by fine not exceeding one hundred dollars.

For disorderly
conduct, etc.,
at registration.

SECTION 388. Whoever interferes with, or aids or abets any person in interfering with any supervisor of registration in the performance of his duty, shall be punished by imprisonment in jail not exceeding one year.

For interfering
with supervisor
of registration.

SECTION 389. Whoever wilfully defaces or removes a notice relating to the registration of voters, any voting lists or notice or warrant for an election, posted in a city or town, shall be punished by imprisonment in jail not exceeding one year.

For defacing or
removing
notice, voting
lists, warrant,
etc.

SECTION 390. Whoever aids or abets a person not entitled to vote in voting or attempting to vote at a caucus, or in voting or attempting to vote under a name other than his own, or in casting or attempting to cast more than one ballot, or wilfully and without lawful authority hinders, delays or interferes with, or aids in hindering,

For aiding
person in illegal
voting, inter-
ference with
voter, etc.

delaying or interfering with, a voter when on his way to a caucus, or when marking his ballot, or voting or attempting to vote, or endeavors to induce a voter to show his ballot, shall be punished by imprisonment in jail not exceeding one year.

Penalties,
for altering
ballot cast at
caucus, illegally
depositing or
removing ballot,
etc.

SECTION 391. Whoever alters a ballot cast at a caucus or, not being authorized thereto, deposits a ballot in a ballot box or envelope used at a caucus, or removes a ballot from such ballot box or envelope, shall be punished by imprisonment in jail not exceeding three years.

For falsely
making, filing,
suppressing,
defacing, etc.,
certificate,
nomination
paper or letter.

SECTION 392. Whoever falsely makes or wilfully alters, defaces, mutilates, destroys or suppresses any certificate of nomination or nomination paper, or letter of withdrawal of a name from such paper; or unlawfully signs any such certificate, paper or letter; or files any such certificate, paper or letter, knowing the same to be falsely made or altered, shall be punished by imprisonment in jail not exceeding one year.

On magistrate
taking oath of
signer to nomi-
nation paper.

SECTION 393. Whoever as a notary public, justice of the peace, or other magistrate, takes the oath of a signer to a nomination paper without satisfying himself that the person to whom the oath is administered is the signer of such nomination paper, or who shall fail to state in his attestation of such oath that he is so satisfied, shall be punished by a fine of not less than ten dollars or more than fifty dollars for each offence.

For writing,
printing, post-
ing, distribut-
ing, etc., anony-
mous circulars,
etc.

SECTION 394. Whoever intentionally writes, prints, posts, or distributes, or causes to be written, printed, posted, or distributed, a circular or poster which is designed or tends to injure or defeat any candidate for nomination or election to any public office, by criticising his personal character or political action, unless there appears upon such circular or poster in a conspicuous place either the names of the chairman and secretary, or of two officers of the political or other organization issuing the same, or of some voter who is responsible therefor, with his name and residence, and the street and number thereof, if any, shall be punished by imprisonment in jail not exceeding six months.

For posting, dis-
tributing, etc.,
certain posters,
cards, etc., at a
caucus or
election.

SECTION 395. Whoever posts, circulates or distributes any poster, card, handbill, placard, picture or circular except a paster to be placed upon the official ballot, intended to influence the action of a voter, at any caucus or election, in the polling place, in the building in

which the polling place is located or on the walls thereof, on the premises on which the building stands, or on the sidewalk adjoining said premises, shall be punished by a fine not exceeding twenty dollars.

SECTION 396. Whoever wilfully or maliciously injures or destroys a ballot box or any of the blank forms or apparatus furnished to a city or town under sections one hundred and eighty-five and one hundred and eighty-six of this act, shall be punished by imprisonment in jail not exceeding one year.

Penalties,
for injuring or
destroying bal-
lot box, blanks
or apparatus.

SECTION 397. Whoever refuses or wilfully neglects to comply with any regulation made by the aldermen or by the selectmen relative to the manner of receiving, counting and returning votes cast at an election, or to the use of seals and ballot boxes, shall be punished by imprisonment in jail not exceeding six months.

For refusal or
neglect to com-
ply with regu-
lations relative
to receiving,
counting and
returning votes,
etc.

SECTION 398. Whoever prevents a supervisor of elections from doing any of the acts authorized by section one hundred and eighty-two of this act, or hinders or molests him in doing any such acts, or aids or abets in preventing, hindering or molesting him in doing any of such acts, shall be punished by imprisonment in jail not exceeding one year.

For preventing,
hindering,
molesting, etc.,
supervisor of
election.

SECTION 399. Whoever prints or distributes a ballot for use in the election of moderator at a town meeting in violation of section three hundred and thirty-eight of this act, shall be punished by imprisonment in jail not exceeding sixty days.

For printing or
distributing
ballot in viola-
tion of § 338.

SECTION 400. Whoever, before an election, wilfully defaces or destroys any list of candidates posted under this title, or, during a caucus or an election, wilfully defaces, tears down, removes or destroys any card of instruction or specimen ballot posted for the instruction of voters, or during a caucus or an election, wilfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his ballot, shall be punished by fine not exceeding one hundred dollars.

For defacing,
destroying, etc.,
lists, cards, bal-
lots, supplies,
etc.

SECTION 401. Whoever forges or falsely makes the official endorsement on any ballot, or wilfully destroys or defaces a ballot, or wilfully delays the delivery of any ballots, shall be punished by imprisonment in jail not exceeding one year.

For forging,
etc., endorse-
ment, destroy-
ing, etc., or
delaying de-
livery of ballot.

SECTION 402. Whoever wilfully and without lawful authority obstructs or delays a voter when on his way

For obstructing
or delaying
voter.

to the polling place where he is entitled to vote, or while he is voting or attempting to vote, or aids or assists in any such obstruction or delay, shall be punished by imprisonment in jail not exceeding one year.

Penalties,
for interfering
with or induc-
ing voter to
show ballot.

SECTION 403. Whoever interferes or attempts to interfere with a voter when he is marking his ballot or is within the space enclosed by the guard rail, or endeavors to induce a voter, before he has voted, to show how he marks or has marked his ballot, shall be punished by a fine not exceeding one hundred dollars.

For obstructing
voting.

SECTION 404. Whoever wilfully obstructs the voting at an election shall be punished by a fine not exceeding one hundred dollars.

For aiding or
abetting in
illegal voting.

SECTION 405. Whoever aids or abets a person not qualified to vote at an election, in voting or attempting to vote, or aids or abets a person in voting or attempting to vote under a name other than his own, or in casting or attempting to cast more than one ballot at one time of balloting, shall be punished by imprisonment in jail not exceeding one year.

For marking
ballot con-
trary to law.

SECTION 406. Whoever places a mark against a name on a ballot not cast by himself, or places a distinguishing mark on a ballot not cast by himself, except as authorized by law, shall be punished by imprisonment in jail not exceeding three years.

For altering,
depositing or
removing ballot
with intent to
defraud.

SECTION 407. Whoever, with intent to defraud, alters a ballot cast at an election; or, with such intent, deposits a ballot in the ballot box used at an election, or in an envelope provided by law for the preservation of ballots cast at an election; or, with such intent, removes a ballot from any such ballot box or envelope, shall be punished by imprisonment in jail not exceeding three years.

For removal of
ballot from
enclosed space.

SECTION 408. Whoever removes a ballot from the space enclosed by the guard rail before the close of the polls, shall be punished by imprisonment in jail not exceeding one year.

For employing,
etc., certain per-
sons on day of
state election.

SECTION 409. An owner, superintendent or overseer in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, who employs or permits to be employed therein any person entitled to vote at a state election, during the period of two hours after the opening of the polls in the voting precinct or town in which such per-

son is entitled to vote if he shall make application for leave of absence during such period, shall be punished by fine not exceeding one hundred dollars.

SECTION 410. Whoever, by threatening to discharge a person from his employment or to reduce his wages, or by promising to give him employment at higher wages, attempts to influence a voter to give or to withhold his vote at an election, or whoever, because of the giving or withholding of a vote at an election, discharges a person from his employment or reduces his wages, shall be punished by imprisonment in jail not exceeding one year.

Penalties,
for attempting
to influence
voters by
threats, etc.

SECTION 411. Whoever pays, or gives, or directly or indirectly promises to a voter any gift or reward to influence his vote or to induce him to withhold his vote, shall be punished by imprisonment in jail not exceeding one year.

For bribery at
elections.

SECTION 412. Whoever, at a caucus or at an election, behaves in a disorderly manner, and, after notice from the presiding officer, persists in such behavior and refuses to withdraw from the polling place, shall be punished by imprisonment in jail not exceeding thirty days.

For disorderly
conduct at
caucuses or
elections.

SECTION 413. Whoever wilfully disobeys any lawful command of an election or caucus officer, shall be punished by imprisonment in jail not exceeding thirty days.

For disobeying
orders of elec-
tion or caucus
officers.

SECTION 414. Whoever, when ordered by the presiding officer of an election or caucus or meeting, refuses or fails to remove any pipe, cigar, cigarette or liquor, or to withdraw from the polling place, as provided by section two hundred and nineteen of this act, shall be punished by fine not exceeding twenty dollars.

For not remov-
ing pipe,
cigar, liquor,
etc.

SECTION 415. Whoever gives any information derived from a recount of votes relative to a ballot cast by a challenged voter at an election or caucus, shall be punished by imprisonment in jail not exceeding one year.

For giving
information
regarding
challenged
votes.

SECTION 416. Whoever violates the provisions of sections two hundred and eighty-nine to two hundred and ninety-one, inclusive, of this act, shall be punished by imprisonment in jail not exceeding one year, and whoever violates any other provision of this act relating to corrupt practices in elections, shall be punished by fine not exceeding one thousand dollars.

For violating
provisions of
§§ 289 to 291
inclusive.

SECTION 417. The supreme judicial court and the superior court shall have jurisdiction at law or in equity to enforce the provisions of this act. Police officers

Enforcement of
provisions, etc.

and constables shall arrest without warrant any person detected in the act of violating the caucus or election laws.

TITLE XIII.

1. REPEAL OF FORMER STATUTES.

Repeal.

SECTION 418. Chapters four hundred and seventeen and four hundred and sixty-five of the acts of the year eighteen hundred and ninety-three; chapters one hundred and thirty-two, two hundred, two hundred and nine, sections one, two and three of chapter two hundred and eighteen, chapters two hundred and sixty-eight, two hundred and seventy-one, two hundred and seventy-five, two hundred and ninety-one and three hundred and eighty-five of the acts of the year eighteen hundred and ninety-four; chapters two, twenty-seven, sixty-one, one hundred and ninety-six, two hundred and seven, two hundred and twenty, two hundred and thirty-seven, two hundred and forty, two hundred and forty-two, two hundred and forty-four, two hundred and fifty-three, two hundred and sixty-two, two hundred and seventy-five, two hundred and eighty-five, two hundred and ninety-nine, three hundred and twenty-three, three hundred and fifty-five, three hundred and seventy-four, three hundred and ninety-eight, four hundred and twenty-five, four hundred and eighty-nine, five hundred and two, sections two and three of chapter five hundred and six, chapters five hundred and seven and five hundred and eight of the acts of the year eighteen hundred and ninety-five; chapters seventy-three, one hundred and nine, two hundred and forty-four, three hundred and nineteen, three hundred and sixty-three, three hundred and eighty-three, three hundred and ninety-three, four hundred and thirty-five, four hundred and sixty-nine, four hundred and ninety-eight, five hundred and eighteen, five hundred and twenty-seven and five hundred and forty-seven of the acts of the year eighteen hundred and ninety-six; chapters ninety-one, two hundred and ten, two hundred and ninety-six, four hundred and seventy-five, four hundred and eighty-two and five hundred and thirty of the acts of the year eighteen hundred and ninety-seven; chapters eighty-three, one hundred and fifty-five, one hundred and sixty-three, one hundred and seventy-one, one hundred and ninety-one, sections one and two of chapter two hun-

dred and seventeen, chapters three hundred and seventy-eight, three hundred and seventy-nine, four hundred and one, four hundred and twenty-three, four hundred and thirty-five and four hundred and seventy-two of the acts of the year eighteen hundred and ninety-eight, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

Approved June 21, 1898.

AN ACT TO PROVIDE AN EQUITABLE PROCESS AFTER JUDGMENT IN CERTAIN CASES.

Chap. 549

Be it enacted, etc., as follows:

SECTION 1. The clerk of any police, district or municipal court of the district in which the debtor resides shall, upon the filing of an application of the judgment creditor in any case, accompanied by an affidavit that the judgment is founded upon a claim for the necessities of life furnished the judgment debtor or his family, issue a notice to the judgment debtor to appear before the court, on a day named therein, to show cause why an examination into his circumstances should not be made and a decree be entered ordering him to pay such judgment in full or by instalments weekly, monthly or otherwise. Said notice shall be served by delivering a copy thereof to the defendant or by leaving a copy for him at his last and usual place of abode, at least seven days before the return day thereof. At the time and place named in said notice, or at such other time and place as the court may appoint, the court shall first ascertain if the creditor's claim is for the necessities of life, as stated in his affidavit, and, if it so finds, then an inquiry shall be made by the court, by examination of the judgment debtor or otherwise, as to his circumstances, his income from any source and his ability to pay said judgment; and if the defendant fails to appear at the time and place fixed such inquiry may proceed in his absence. If the court finds that the debtor is not able at the time to pay said judgment in full, or by partial payments from time to time, it shall enter a finding to that effect, which finding shall be subject to revision at any time thereafter upon like notice and inquiry, and upon proof of changed circumstances. But in such case the clerk shall not issue a subsequent notice to the debtor until the creditor, or some one in his behalf, has filed and produced in court an affidavit setting forth, in substance, the evidence of the debtor's change of circumstances upon

Equitable process after judgment in certain cases.

*Sec. 1. Amend
1899. Ch. 44*

Court to ascertain nature of claim.

If debtor is not able to pay claim court shall enter finding.

which he relies for a revision, and until the court in its discretion has determined that there is occasion for a new inquiry into the debtor's circumstances. If however the court finds that the debtor is able to pay the judgment in full, or by partial payments from time to time, it may, after first allowing the debtor out of his income from any source a reasonable sum for his own support and that of his family, enter a decree fixing the time, place and amount of payments to be made by the debtor on said judgment out of the excess of his income, as thus disclosed, above said allowance.

SECTION 2. If the judgment debtor at any time fails to comply with such decree the creditor may cause him to be notified to show cause why said decree has not been complied with, and, unless the debtor shows good cause for his failure to comply with said decree, the court may make an order that unless the debtor complies with such decree, or with such modification thereof as the court may then make, within the time stated in said order, such failure shall be treated as a contempt of court; and if at the expiration of the time fixed by the court for compliance with such new decree the judgment debtor still fails or refuses to comply with such new decree, the court may proceed against him as courts of equity are accustomed to do in other cases of contempt for refusal to comply with their decrees: *provided, however*, that no more than fourteen days' confinement shall be ordered by the court in punishment for any one contempt by the debtor; and, *provided, also*, that said debtor may be released by order of the court at any time, either upon payment of the claim and costs or upon his giving a bond to the judgment creditor with one or more sureties approved by the court conditioned that he will comply with all existing decrees of the court and all decrees thereafter made; or, after seven days' confinement, the debtor may be released by order of the court upon his personal recognizance, signed by him and filed in court, conditioned that, if released, he will thenceforth comply with all decrees of the court. In case the judgment debtor is released upon his personal recognizance as aforesaid he may, if he does not comply with said decree within sixty days after his release or fails to show to the court good cause for his non-compliance, again be cited to appear before the court by the judgment creditor and proceeded against as for a further contempt of court.

If debtor is able to pay court shall enter decree fixing time of payment, etc.

If debtor fails to comply with decree creditor may cause him to show cause, etc.

Debtor may be proceeded against as in cases of contempt.

Provisos.

SECTION 3. Any judgment debtor may himself apply by petition for the benefit of the provisions of this act, and may cause any creditor or creditors holding a judgment or judgments against him for the necessities of life furnished to himself or his family to be cited to appear and show cause why an examination, as hereinbefore provided, shall not be made; and the court may, after hearing, proceed in the case in the same manner as if application had been made by a creditor, as provided in section one of this act.

Debtor may apply by petition for benefit of provisions of this act.

SECTION 4. In case any judgment creditor of a debtor institutes proceedings as hereinbefore provided, all other process or suits to enforce or recover upon any judgment upon which such proceedings are based and all actions or proceedings by other creditors against such judgment debtor, relative to wages, shall be suspended, except only as provided in section six of this act, until the judgment or judgments on which such proceedings are based shall have been fully satisfied: *provided, however*, that nothing herein contained shall prevent the attachment of any property of the debtor other than his wages, either before or after judgment, or the levying of the execution thereon.

When proceedings are instituted under this act all other proceedings suspended, except, etc.

Proviso.

SECTION 5. The court may at any time after written notice to the opposite party, or to his attorney of record, revise, modify or suspend, as circumstances may require, any decree theretofore made in any proceedings under this act.

Court may modify or suspend decree.

SECTION 6. Any creditor who has recovered a judgment upon a claim for the necessities of life against a debtor against whom proceedings are pending under this act shall be entitled, upon motion and after notice to all parties then in interest, to inquire into the validity and the amount of the claim of any judgment creditor or creditors for whose benefit the decree provided for in this act has been entered. Upon the hearing of such motion the court may order the judgment creditor or creditors who are then parties to the proceeding to render an account to the court of all amounts theretofore paid by the debtor upon each and every such judgment, and may also after a hearing enter a decree revoking or modifying any previous decree in the proceedings, as it may deem equitable and just, and may order that any and all payments thereafter made by the judgment debtor be apportioned between the different judgment creditors who are then parties to such proceeding in such manner as it may deem equitable and just.

Creditor recovering judgment may inquire into validity, etc., of certain claims, etc.

No costs to be allowed, except, etc.

SECTION 7. No costs shall be allowed to either party after proceedings have been begun under the provisions of this act, except only that the sum of twenty-five cents shall be paid to the clerk issuing the notices hereinbefore provided, and the same fees shall be paid to officers for copies, service, travel and other expenses, if any, as are now allowed by law in the service of writs; and they shall be paid in the same manner.

When to take effect.

SECTION 8. This act shall take effect upon the first day of September in the year eighteen hundred and ninety-eight.

Approved June 21, 1898.

Chap.550

AN ACT TO AUTHORIZE THE TOWN OF DANVERS TO APPROPRIATE A SUM OF MONEY TOWARD PAYING THE INDEBTEDNESS OF COMPANY K, EIGHTH REGIMENT, MASSACHUSETTS VOLUNTEER MILITIA.

Be it enacted, etc., as follows:

Town of Danvers may appropriate money for certain purpose.

SECTION 1. The town of Danvers is hereby authorized to appropriate not exceeding one thousand dollars toward paying the indebtedness of Company K, eighth regiment, Massachusetts volunteer militia, or for the purpose of purchasing the property of said company now stored in the armory at Danvers, or for both said purposes.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 1898.

Chap.551

AN ACT TO PROVIDE FOR THE PAYMENT OF DAMAGES SUSTAINED UNDER THE METROPOLITAN WATER SUPPLY ACT BY CERTAIN PERSONS IN THE TOWN OF BOYLSTON.

Be it enacted, etc., as follows:

1895, 488, § 14, amended.

SECTION 1. Section fourteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five is hereby amended by inserting after the words "West Boylston", in the fifty-third line, the words:—or on land in the town of Boylston,—so that all of said section after the word "court", in the fiftieth line, shall read as follows:—In case any individual or firm owning on the first day of April in the year eighteen hundred and ninety-five an established business on land in the town of West Boylston, or on land in the town of Boylston, whether the same shall be taken or not under this act, or the heirs or personal representatives of such individual or firm, shall deem that such business is decreased in value by the carrying out of this act, whether by loss of custom or otherwise, and unable to agree with

Determination of damages to certain business establishments.

said board as to the amount of damages to be paid for such injury, such damages shall be determined and paid in the manner hereinbefore provided. The words "real estate", as used in this section, shall include water rights, and in the case of mills all machinery thereon.

"Real estate" defined.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 1898.

AN ACT TO AUTHORIZE AND REQUIRE THE COUNTY COMMISSIONERS FOR THE COUNTY OF ESSEX TO WIDEN A HIGHWAY IN THE CITY OF SALEM AND TO REBUILD A BRIDGE BETWEEN SAID CITY AND THE TOWN OF MARBLEHEAD.

Chap. 552

Be it enacted, etc., as follows:

SECTION 1. The county commissioners for the county of Essex are hereby authorized to widen Lafayette street, a highway in the city of Salem, over the tide water known as Forest river, between said city and the town of Marblehead, subject to the approval of the board of harbor and land commissioners; and to rebuild without a draw the bridge over said tide water and approaches thereto in Salem and Marblehead, within the limits of said highway after the same has been widened as aforesaid. The cost of widening said highway and rebuilding said bridge not to exceed twenty-five thousand dollars, fifty per cent. of which shall be paid by the county of Essex and the balance by the cities and towns determined by the county commissioners of said county to be specially benefited by said bridge; and the said commissioners may borrow on the credit of the county such sums of money as may be necessary to comply with the provisions of this act.

Highway, etc., over Forest river in Salem may be widened.

Payment of cost of widening.

SECTION 2. The said county commissioners are hereby authorized to take for the purpose of widening said highway and rebuilding said bridge the property of any person or corporation, and shall file in the registry of deeds for the southern district of the county of Essex a description of any property taken by them, as certain as is required in a conveyance of land, with an appraisal of the damages, if any, by them awarded to the owner or owners of said property. Any person aggrieved by the award of said county commissioners may, within one year from the filing of the description aforesaid, apply for a jury in the superior court to appraise said damages, in the same manner and subject to the same provisions as in case of land taken for a highway.

Certain property may be taken.

Jury may be had to appraise damages.

Notice of completion of widening to be served on Salem and Marblehead, etc.

SECTION 3. Upon the completion of said widening and bridge said county commissioners shall cause notice thereof to be served upon the mayor of the city of Salem and the selectmen of the town of Marblehead, and said notice, with the return of the service thereon, shall be filed in the office of the clerk of the superior court for the county of Essex, and thereafter the care and maintenance of such parts of said bridge, abutments and approaches as lie within the limits of the city of Salem and town of Marblehead, respectively, shall devolve upon the officers of said city and town respectively charged with the duty of the care of highways and bridges therein; and liability for defects in said highway, bridge, abutments and approaches shall exist on the part of said city or town for the portions of the same lying therein, respectively, in like manner as for defects in town ways.

SECTION 4. This act shall take effect upon its passage.

Approved June 21, 1898.

Chap. 553

AN ACT TO RATIFY AND CONFIRM CERTAIN ACTS OF THE ASSOCIATION FOR THE FORMATION OF THE FRAMINGHAM, SOUTHBOROUGH AND MARLBOROUGH STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

Certain acts confirmed.

SECTION 1. All acts of the association for the formation of the Framingham, Southborough and Marlborough Street Railway Company, done and performed prior to the passage of this act, and particularly the drafting of the articles of association and the publication thereof, are hereby ratified and confirmed, and are hereby deemed to have been legally performed, notwithstanding any failure on the part of said association to comply with the provisions of chapter one hundred and thirteen of the Public Statutes and acts in amendment thereof and in addition thereto applicable to said acts of said association.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 1898.

Chap. 554

AN ACT RELATIVE TO NOMINATIONS FOR ALDERMEN IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Nominations for aldermen in the city of Boston.

SECTION 1. Every political party hereafter making nominations for aldermen in the city of Boston shall nominate twelve candidates; and in case any political party

shall hereafter nominate less than twelve candidates for aldermen in the city of Boston the names of such candidates shall not be printed on the official ballot.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 1898.

AN ACT TO PROVIDE THAT THE EXPENSES OF TRIAL JUSTICES FOR OFFICE RENT SHALL BE PAID BY THE COUNTY.

Chap. 555

Be it enacted, etc., as follows:

The reasonable and necessary expenses, not exceeding ten dollars a month, actually incurred by a trial justice for the rent of an office used by said justice for court purposes exclusively, shall be paid by the county in which the office is located, in the same manner as the expenses of district courts for rent are now paid.

Office rent of trial justices to be paid by the county.

Approved June 21, 1898.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 556

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit:—

Appropriations.

For expenses in connection with the state board of insanity, provided for by chapter four hundred and thirty-three of the acts of the present year, a sum not exceeding five thousand dollars. So much of chapter one hundred and nineteen of the acts of the year eighteen hundred and ninety-eight as provides for salaries and expenses in the department of the inspector of institutions is hereby repealed, to take effect from and after the first day of October of the present year.

State board of insanity.

For the construction of a channel from Osterville Bay to Vineyard Sound, as provided for by chapter four hundred and forty of the acts of the present year, a sum not exceeding seventy-five hundred dollars.

Channel from Osterville Bay to Vineyard Sound.

For the salary of the first clerk of the secretary of the state board of agriculture, as authorized by chapter four hundred and fifty-nine of the acts of the present year, a sum not exceeding two hundred dollars, the same to be in

First clerk, secretary state board of agriculture.

addition to the sixteen hundred dollars appropriated by chapter twenty-two of the acts of the present year.

Improvement of
Green Harbor.

For the improvement of Green Harbor in the town of Marshfield, as provided for by chapter four hundred and sixty-nine of the acts of the present year, a sum not exceeding thirty thousand dollars.

Postage, etc.,
on documents.

For postage and expressage on documents to members of the general court, also for transportation of documents to free public libraries, a sum not exceeding four hundred dollars, the same to be in addition to the twenty-five hundred dollars appropriated by chapter seventy-one of the acts of the present year.

Third deputy
controller of
county
accounts.

For the salary and expenses of a third deputy in the office of the controller of county accounts, as authorized by chapter four hundred and seventy-seven of the acts of the present year, a sum not exceeding seven hundred dollars.

Printing and
binding decen-
nial census.

For printing and binding the decennial census of the year eighteen hundred and ninety-five, as provided for by chapter fifty-two of the resolves of the year eighteen hundred and ninety-five, a sum not exceeding twenty-five thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Salaries of gas
and electric
light commis-
sioners.

For the salaries of the gas and electric light commissioners, as authorized by chapter four hundred and ninety-nine of the acts of the present year, a sum not exceeding seventeen hundred and fifty dollars, the same to be in addition to the eight thousand dollars appropriated by chapter six of the acts of the present year.

Sadie B.
Belyea.

For Sadie B. Belyea, as authorized by chapter ninety-two of the resolves of the present year, the sum of one hundred twenty-one dollars and twenty cents.

Boundary line
between this
Commonwealth
and the states of
New Hamp-
shire and
Vermont.

For expenses in connection with the establishment of the boundary line between this Commonwealth and the states of New Hampshire and Vermont, as authorized by chapter ninety-four of the resolves of the present year, a sum not exceeding three thousand dollars.

Publication of
opinions of the
attorney-
general.

For the publication of the opinions of the attorney-general, as authorized by chapter ninety-five of the resolves of the present year, a sum not exceeding two thousand dollars.

Lowell textile
school.

For the Lowell textile school, as authorized by chapter ninety-six of the resolves of the present year, the sum of fifteen thousand dollars.

For certain improvements at the state normal school at Lowell, as authorized by chapter ninety-seven of the resolves of the present year, a sum not exceeding two thousand dollars.

Normal school at Lowell.

For the purchase of land for the state normal school at North Adams, as authorized by chapter ninety-eight of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Normal school at North Adams.

For certain improvements at the Worcester lunatic hospital, as authorized by chapter ninety-nine of the resolves of the present year, a sum not exceeding thirty-nine thousand dollars.

Worcester lunatic hospital.

For the purchase of land at the Westborough insane hospital, as authorized by chapter one hundred of the resolves of the present year, a sum not exceeding forty-four hundred forty-two dollars and thirty-two cents. So much of chapter four hundred and nine of the acts of the present year as provides for the purchase of land at the Westborough insane hospital under authority of chapter sixty-three of the resolves of the present year, is hereby repealed.

Westborough insane hospital.

For expenses in connection with the representation of the Commonwealth at the Trans-Mississippi exposition, to be held in the city of Omaha during the present year, as authorized by chapter one hundred and two of the resolves of the present year, a sum not exceeding six thousand dollars.

Trans-Mississippi exposition.

For the payment of a judgment entered in the superior court against the Commonwealth in favor of the American Ballot Box Association, under the provisions of section four of chapter one hundred and ninety-five of the Public Statutes, the sum of one thousand dollars.

American Ballot Box Association.

For certain improvements at the Medfield insane asylum, as authorized by chapter one hundred and three of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Medfield insane asylum.

For expenses relative to reopening the Connecticut river to navigation, as authorized by chapter one hundred and four of the resolves of the present year, the sum of two thousand dollars.

Navigation of the Connecticut river.

For the New England Industrial School for Deaf Mutes, as authorized by chapter one hundred and five of the resolves of the present year, a sum not exceeding five thousand dollars.

New England Industrial School for Deaf Mutes.

Deputy tax
commissioner.

For the salary and expenses of the deputy tax commissioner, as authorized by chapter five hundred and seven of the acts of the present year, a sum not exceeding three hundred and fifty dollars.

State almshouse.

For certain improvements at the state almshouse, as authorized by chapter one hundred and seven of the resolves of the present year, a sum not exceeding thirty-five thousand nine hundred and thirty dollars.

Transportation
of pupils to and
from public
schools.

For reimbursement of towns for the transportation of certain pupils to and from the public schools, as authorized by chapter one hundred and eight of the resolves of the present year, a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 1898.

Chap. 557 AN ACT TO AUTHORIZE THE METROPOLITAN WATER BOARD TO TAKE LANDS IN THE TOWNS OF CLINTON AND LANCASTER AND TO ERECT AND MAINTAIN THEREON A PLANT FOR THE DISPOSAL OF SEWAGE OF THE TOWN OF CLINTON.

Be it enacted, etc., as follows :

Metropolitan
water board
may take cer-
tain lands.

SECTION 1. The metropolitan water board, in consultation with the town of Clinton, shall construct, maintain and operate suitable and sufficient works for intercepting the sewage of said town at or near the two existing outlets into the south branch of the Nashua river, one of them located near Allen street and the other about eighteen hundred feet above the bridge of the New York, New Haven and Hartford railroad crossing said river, and for conveying, storing, pumping and disposing of the said sewage. Said board may from time to time enlarge, modify and improve any works so constructed, and may, as occasion requires, take by purchase or otherwise, in fee or otherwise, as said board may determine, any lands, water rights, rights of way and easements in the towns of Lancaster and Clinton, or either of them, that the board may deem necessary or desirable for discharging the powers and duties imposed by this act: *provided, however*, that any such land, water rights, rights of way and easements taken in the town of Lancaster shall be located between the town of Clinton on the south, the south branch of the Nashua river on the west, the roads leading from South Lancaster to Lancaster Commons and from Lancaster Commons to Bolton on the north, and the road leading

Proviso.

from said last named road to Bolton Station on the east, and said boards shall take all lands which, on the first day of June in the year eighteen hundred and ninety-eight abutted upon and were within three hundred feet westerly from the westerly side of High street, so-called, between Mill street and a small brook crossing said High street about thirty-two hundred and fifty feet northerly from said Mill street, which the owner of such abutting land shall in writing notify said board before the first day of January in the year eighteen hundred and ninety-nine, that he desires to have taken; and *provided, further*, ^{Proviso.} that no sewage shall be treated or purified upon any land in Lancaster west of or within two hundred feet east of said High street, unless the selectmen of the town of Lancaster shall in writing consent thereto; and the Commonwealth, until said works herein provided for shall have been, as in this act provided, transferred to the town of Clinton, and thereafter, said town of Clinton, shall pay annually to the town of Lancaster for all lands held in said town of Lancaster, a sum of money to be fixed and determined according to the provisions of chapter three hundred and fifty-two of the acts of the year eighteen hundred and ninety-three.

SECTION 2. The metropolitan water board, in order to take any property hereunder by right of eminent domain, shall proceed in all respects as provided in chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and the provisions of said act shall apply to the determination, assessment and collection of damages on account of such taking, and the owners of lands or other property taken by virtue hereof shall have all the rights and remedies and be subject to all the duties prescribed in said act. ^{1895, 488, to apply.}

SECTION 3. The metropolitan water board shall maintain and operate the works constructed by it, unless otherwise agreed by said board and the town of Clinton, until the sewage of said town shall have outgrown the normal capacity of the south branch of the Nashua river to properly dispose thereof; and then said board shall transfer to said town all the works, lands, water rights, rights of way, easements and other property constructed and acquired under the provisions hereof, upon such terms as may be agreed upon by said board and said town, and thereafter said works, lands, water rights, rights of ^{Works to be maintained and operated by the metropolitan water board.}

way, easements and other property shall be owned, maintained and operated by the town of Clinton under the supervision and control of the state board of health, and said town shall pay to the Commonwealth for the property so transferred such sum or sums, if any, as may be agreed by said town and said board to be just and proper. All sums paid as aforesaid shall be applied to the payment of the expenses of construction of the metropolitan water works and the payment of damages incurred in connection therewith, and any part of such sums not required for these purposes shall be applied to the payment of the interest, sinking fund requirements, and expenses of maintenance and operation of said water works. The supreme judicial court and the superior court, sitting in equity, shall in case of any refusal on the part of the town of Clinton to obey any order or decree made by said board of health in the exercise of the supervisory powers hereby conferred, enforce obedience to such order or decree by any appropriate process.

Any matter in controversy may be referred to the supreme judicial court.

SECTION 4. If the metropolitan water board and the town of Clinton shall be unable to agree upon the proper time when or the terms under which the transfer of the works herein provided to be constructed should be made, as aforesaid, or what proper and just sum should be paid therefor, as aforesaid, either party may apply to the supreme judicial court for a determination of any matter in controversy, in the manner provided in sections fourteen and fifteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five: *provided, however*, that said town shall not, until two years after the transfer of the works, as aforesaid, lose, by operation of the statute of limitations, any right of recovery under the provisions of said act for damages sustained by any interference with its sewerage system or with its drainage rights or privileges; and if it so elect shall have the right to set off such damages against any claim for damages made for the transfer of said works, as aforesaid.

Proviso.

Sewers, drains, etc., may be laid under and along any street, etc.

SECTION 5. The metropolitan water board may, for the purposes of this act, carry the sewers, drains, pipes and conduits laid or constructed, as aforesaid, under and along any street, railroad or highway in such manner as not unnecessarily to obstruct the same, and may do any other act or thing proper for said purposes.

SECTION 6. The works constructed hereunder shall, while they remain under the control of the metropolitan water board, be deemed a part of the metropolitan water works, and all of the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five relating to the incurring of expense for construction, maintenance and operation, to the payment of the costs thereof, to the sale and leasing of property, and to the disposal of the proceeds from the sales of property and from other operations of said board, and all other provisions of said act so far as they are applicable and not inconsistent herewith shall apply to the works constructed hereunder.

Works to be deemed a part of the metropolitan water works.

SECTION 7. The metropolitan water board shall save harmless the towns of Lancaster and Clinton from all damages for injuries resulting from any defect or want of repair in any road, street or highway, caused by digging up the same or by constructing, laying, maintaining or repairing any works to be constructed hereunder.

Towns of Clinton and Lancaster to be exempt from damages.

SECTION 8. No sewers or other works shall be constructed and maintained under the authority of this act until the plans have been approved by the state board of health.

Plans to be approved by the state board of health.

SECTION 9. This act shall take effect upon its passage.

Approved June 22, 1898.

AN ACT RELATIVE TO THE CHAIRMANSHIP OF THE BOARD OF ALDERMEN OF THE CITY OF BOSTON.

Chap. 558

Be it enacted, etc., as follows:

SECTION 1. After the organization of the city government of the city of Boston in each year, as provided by law, and when a quorum of the board of aldermen of said city shall be present, the member thereof who has previously served the greatest number of terms in said board shall preside, and the board shall proceed to choose a permanent chairman, who shall preside at all meetings of the board and at conventions of the two branches of said city government. The member who shall thus preside at said meeting shall continue to preside at all meetings of said board and conventions of the two branches of the city government, with the same powers and duties as though he were chosen permanent chairman, until a permanent chairman is chosen by said board. In case there is no member of said board who has previously served a

Chairmanship of board of aldermen of the city of Boston.

In certain cases city clerk shall preside until

chairman is
chosen.

greater number of terms in said board than any other member thereof the city clerk of said city shall preside at all meetings of said board and said conventions until a permanent chairman is chosen. Until the election of a permanent chairman, said member or said city clerk presiding, the board of aldermen shall be deemed to be organized for the transaction of all business that may properly come before it.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1898.

Chap. 559

AN ACT RELATIVE TO POOR DEBTOR PROCEEDINGS.

Be it enacted, etc., as follows:

1888, 419, § 12,
amended.

Section twelve of chapter four hundred and nineteen of the acts of the year eighteen hundred and eighty-eight is hereby amended by inserting after the word "examination", in the twenty-second line, the words: — or for the purpose of entering into a recognizance as provided for by sections thirty-six and fifty-one of chapter one hundred and sixty-two of the Public Statutes and acts in amendment thereof and in addition thereto, — so as to read as follows: — *Section 12.* Any justice of any court of record, or police, district, or municipal court, and any special justice when exercising the powers and duties of a justice of any such court, may act as such court under chapter one hundred and sixty-two of the Public Statutes and any act amendatory thereof or supplementary thereto. Under the said chapter and acts any such court shall have the powers and duties therein given to a justice thereof. Upon legal application made to any police, district or municipal court such court shall exercise and perform its said powers and duties under the said chapter and acts, accordingly, without unreasonable delay. The term "magistrate", and the term "magistrates", whenever either occurs in any section of the said chapter or acts, shall be construed to mean, respectively — magistrate or court, — and, — magistrates or courts. There shall be no appeal from any judgment or order of any court or magistrate rendered or made under the said chapter or acts, except as provided in and by the said chapter. Any court or magistrate acting under the said chapter or acts may issue a writ of habeas corpus when necessary to bring before such court or magistrate for examination, or for the pur-

Procedure in
poor debtor
proceedings.

pose of entering into a recognizance as provided for by sections thirty-six and fifty-one of chapter one hundred and sixty-two of the Public Statutes and acts in amendment thereof and in addition thereto, a defendant or debtor imprisoned on mesne process or execution, and the proceedings provided for in chapter one hundred and eighty-five of the Public Statutes shall be followed so far as the same are applicable thereto.

Approved June 22, 1898.

AN ACT TO INCORPORATE THE ODD FELLOWS' HOME OF MASSACHUSETTS.

Chap. 560

Be it enacted, etc., as follows:

SECTION 1. William E. Ford, John J. Whipple, Henry E. Ruggles, Frederic A. Barbour, J. Lawrence Martin, Nathan Taylor and Charles N. Alexander, their associates and successors, are hereby constituted a body corporate under the name of the Odd Fellows' Home of Massachusetts; with all the privileges and powers and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to similar corporations.

Odd Fellows' Home of Massachusetts incorporated.

SECTION 2. The object and purpose of this corporation shall be to collect, receive and hold moneys and any kind of personal property given by voluntary contributions, bequests or otherwise, and real estate purchased, granted, given or devised, and the same shall be held, used, improved and expended in the care and maintenance of indigent and unfortunate members of the fraternity of Independent Order of Odd Fellows within the Commonwealth of Massachusetts, or in the care or support of the wife or widow of such odd fellows, or in the care, support or education of any minor child or children of a dependent or deceased odd fellow.

Objects and purposes.

SECTION 3. The corporation hereby established shall consist of the grand master, deputy grand master and grand warden of the grand lodge of Massachusetts, Independent Order of Odd Fellows, during their several terms of office, ex officio, and the grand patriarch of the grand encampment of Massachusetts, Independent Order of Odd Fellows, during his term of office, ex officio, and seven or more other odd fellows in good and regular standing, resident within the Commonwealth of Massachusetts, who

Organization of the corporation, etc.

shall be known as the Trustees of the Odd Fellows' Home of Massachusetts, to be elected by said grand lodge and grand encampment in such apportionment and for such terms as said grand lodge shall determine, all of whom shall be liable to removal for cause by the grand body electing them. The grand secretary and grand treasurer of said grand lodge shall during their several terms of office be the secretary and treasurer respectively of this corporation. All other officers, agents, servants and employees shall be selected by the corporation. The corporation shall have power and authority to make, adopt and enforce any and all wholesome rules and regulations for the government and management of said home and for the efficient administration of the power conferred by this act: *provided, however*, that said rules and regulations may be altered or annulled by said grand lodge at a regular session thereof. The corporation shall submit to said grand lodge and grand encampment at each regular session a report of its doings and acts, of all receipts and expenditures, and of the condition of the home and of its funds.

Proviso.

Vacancies in
office of trustee.

SECTION 4. Any vacancy among said trustees may be filled temporarily by the other members of this corporation until the next session of the grand lodge or grand encampment, when the vacancy shall be filled by an election in that body entitled to representation.

May hold real
and personal
estate.

SECTION 5. The corporation hereby established is hereby authorized to hold real and personal estate for the aforesaid charitable uses and purposes, free from taxation, to an amount not exceeding five hundred thousand dollars, to be devoted exclusively to the purposes and objects hereinbefore set forth. Said trustees shall invest the funds of this corporation in such securities only as are authorized by law for the investment of the funds of savings banks in this Commonwealth. No officer of said corporation shall hire or borrow any portion of the funds belonging to said corporation nor be security for loans thereof to another.

Present board
of trustees
to continue in
office.

SECTION 6. The present board of trustees of the Odd Fellows' Home of Massachusetts, now existing as a voluntary association, shall hold the office of trustees of this corporation during the term for which they were severally elected by the said grand bodies.

SECTION 7. This act shall take effect upon its passage.

Approved June 22, 1898.

AN ACT TO PROVIDE FOR STATE PAY FOR SOLDIERS AND SAILORS
IN THE VOLUNTEER SERVICE OF THE UNITED STATES, AND FOR
RENDERING AID TO THEIR FAMILIES.

Chap. 561

Be it enacted, etc., as follows :

SECTION 1. There shall be allowed and paid out of the treasury of the Commonwealth to each non-commissioned officer, soldier, sailor or marine who has been or is hereafter mustered into the military or naval service of the United States during the present war as a part of the quota of or to the credit of this Commonwealth, and to members of the Massachusetts naval militia mustered into the service of the United States, also to residents of Massachusetts mustered into the regular army or navy or into the volunteer brigade of engineers of the United States during the present war, the sum of seven dollars per month, so long as he shall remain an enlisted man in said service. Said monthly compensation shall be payable at the office of the treasurer and receiver general of the Commonwealth, and shall date from the muster-in to the United States service of said non-commissioned officer, soldier, sailor or marine. In case of the death of any enlisted man the widow or minor children, parents or dependents of said enlisted man, shall receive the said monthly compensation for a period of six months after the death of said enlisted man : *provided*, that said monthly compensation shall not be continued to any enlisted man in the regular service of the United States after the termination of the war.

State pay for soldiers and sailors, etc.

Proviso.

SECTION 2. Any such enlisted man may allot all or any part of his said pay to the treasurer of the Commonwealth for the use of such person as he shall designate, and the said treasurer shall monthly certify to the auditor of accounts the name and residence of the person to whom such amount is allotted and the amount of such allotment, and the same shall be allowed in the same manner as other claims against the Commonwealth ; and amounts that are not so allotted shall remain in the treasury of the Commonwealth, subject to the order of the non-commissioned officer, soldier, sailor or marine to whom the said sum is due.

State pay may be allotted for the use of other persons.

SECTION 3. Any city or town may raise money by taxation or otherwise, and, if necessary, expend the same, by the officers authorized by law to furnish state and military aid, for the aid of the wife, widow, children

Cities and towns may raise and expend money.

under sixteen years of age, parents, brothers and sisters actually dependent upon any inhabitant of such city or town having a residence and actually residing therein, who has enlisted, or hereafter shall, during the present war prior to the declaration of peace, be duly enlisted and mustered as a non-commissioned officer or soldier into the military service of the United States as a part of the quota of this Commonwealth, or who has enlisted and been mustered into the regular army of the United States, or as a sailor or marine into the naval service of the United States, in the same manner and under the same limitations as state aid was paid to dependent relatives of soldiers, sailors and marines during the civil war: *provided, however*, that no person while receiving state aid under chapter three hundred and one of the acts of the year eighteen hundred and ninety-four shall receive aid under this act.

Proviso.

Persons who incur disabilities entitled to receive aid, etc.

SECTION 4. Persons who incur disabilities in such service and who are honorably discharged therefrom shall be entitled to receive military and state aid under the same rules, conditions and limitations as to amounts as are now applied to applicants for aid under chapters two hundred and seventy-nine and three hundred and one of the acts of the year eighteen hundred and ninety-four, in the same manner as if such persons had served to the credit of this Commonwealth in the army or navy of the United States in the civil war.

Certain state-ments to be made by applicant.

SECTION 5. Applicants for such aid shall, as a basis for the first payment thereof, state in writing, under oath, the name, age and residence of the person for whom such aid is sought, the relation of the applicant to the soldier and sailor, the company and regiment, or vessel, if any, in which such soldier or sailor enlisted and in which he last served; the date and place of such enlistment, when known, the duration of such service, and the reason for the application, and shall furnish such official certificates or record, evidence of enlistment, service and discharge as may be required.

Blank forms to be furnished by state aid commissioners.

SECTION 6. The commissioners of state aid shall furnish from time to time to each city and town a sufficient number of blank forms for the use of applicants; shall constitute a board of appeal to decide upon all disputed questions between applicants and the municipal authorities; shall investigate all payments of such aid; shall

have power to determine all incidental questions arising in connection therewith; and shall have the custody of the original papers relating to each application.

SECTION 7. Municipal officers making payments under this act shall make return of the same to the commissioners of state aid on blank forms furnished by said commissioners, and the amounts approved by said commissioners shall be reimbursed to cities and towns from the treasury of the Commonwealth, at the time and in the manner prescribed by chapters two hundred and seventy-nine and three hundred and one of the acts of the year eighteen hundred and ninety-four.

Returns to be made.

SECTION 8. For the purpose of meeting any expenses heretofore incurred under the provisions of chapter three hundred and forty-seven of the acts of the year eighteen hundred and ninety-eight, and further expenditure under the direction of the commander-in-chief in defraying the military and naval expenses which the existing emergency arising out of the condition of the relations of the United States with Spain, and the exigencies of war may render requisite and proper; and to meet the expenses of state pay for soldiers and sailors as provided for in this act the treasurer and receiver general is hereby authorized from time to time, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding in the aggregate one million five hundred thousand dollars, for a term not exceeding thirty years. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annually on the first days of April and October in each year. Such scrip or certificates of indebtedness shall be designated on the face thereof, Massachusetts War Loan; shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest shall be paid at the times specified therein, in gold coin of the United States or its equivalent; and said scrip or certificates of indebtedness shall be sold or disposed of at public auction or in such other mode, and at such times and prices, and in such amounts, and at such rates of interest, not exceeding the rate above-specified, as shall be deemed best. The treasurer and receiver general shall, on issuing any of said scrip or

Massachusetts War Loan.

Sinking fund.

certificates of indebtedness, establish a sinking fund, into which shall be paid any premiums received on the sale of said bonds, and he shall apportion thereto from year to year, in addition, amounts sufficient with the accumulations to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Proceeds of sales of bonds to be paid into the state treasury.

SECTION 9. From the proceeds of the sale of the bonds referred to in section eight of this act there shall be paid into the treasury of the Commonwealth such amounts as may have been already expended under the authority of chapter three hundred and forty-seven of the acts of the year eighteen hundred and ninety-eight.

Repeal.

SECTION 10. Chapter three hundred and forty-seven of the acts of the year eighteen hundred and ninety-eight is hereby repealed.

Provisions not to apply in certain cases.

SECTION 11. The provisions of this act shall not apply to any inhabitant of this Commonwealth who has enlisted, or who may hereafter enlist, in the corps of other states or territories.

SECTION 12. This act shall take effect upon its passage.

Approved June 22, 1898.

Chap. 562 AN ACT TO PROVIDE FOR REGISTERING AND CONFIRMING TITLES TO LAND.

Be it enacted, etc., as follows:

Land Registration Act.

SECTION 1. This act may be cited as the Land Registration Act.

COURT OF REGISTRATION.

Court of registration established.

SECTION 2. A court is hereby established, to be called the Court of Registration, which shall have exclusive original jurisdiction of all applications for the registration of title to land within the Commonwealth, with power to hear and determine all questions arising upon such applications, and also shall have jurisdiction over such other questions as may come before it under this act, subject however to the right of appeal, as hereinafter provided.

Sittings of court.

The court shall hold its sittings in Boston, but may adjourn from time to time to such other places as the public convenience may require. In the county of Suffolk the board of aldermen of the city of Boston, and in

other counties the county commissioners, shall provide suitable rooms for the sittings of the court of registration, in the same building with or convenient to the probate court or the registry of deeds, and shall provide all necessary books and such printed blanks and stationery for use in registration proceedings as may be ordered by the court.

The court shall have jurisdiction throughout the Commonwealth, and shall always be open, except on Sundays and holidays established by law. It shall be a court of record, and shall cause to be made a seal, and to be sealed therewith all orders, process and papers made by or proceeding from the court and requiring a seal. All notices, orders and process of said court may run into any county and be returnable as the court may direct.

Jurisdiction of court.

The court shall from time to time make general rules and forms for procedure, conforming as near as may be to the practice in the probate courts, but subject to the express provisions of this act and to general laws. Such rules and forms before taking effect shall be approved by the supreme judicial court or a justice thereof.

Court to make rules, etc.

In this act, except where the context requires a different construction, the word court shall mean the court of registration.

Word "court" defined.

SECTION 3. The governor, with the advice and consent of the council, shall appoint two judges of the court of registration, one of whom shall be appointed, commissioned and qualified as judge of registration, and the other as assistant judge of registration, each to hold his office during good behavior; and any vacancy shall be filled in the manner provided by the constitution.

Appointment of judges.

SECTION 4. The authority and jurisdiction of the court of registration shall begin and take effect as soon as the judges thereof are appointed and qualified. The court may be held by a single judge, and when so held shall have all the authority and jurisdiction committed to said court. Different sessions may be held at the same time, either in the same county or in different counties, as the judges may decide, and they shall so arrange the sessions as to insure a prompt discharge of the business of the court.

Authority to begin as soon as judges are appointed, etc.

SECTION 5. Citations, orders of notice, and all other process issuing from the court shall bear test of the judge of registration, and be under the seal of the court and signed by the clerk.

Citations to bear test of the judge.

Vacancies.

SECTION 6. In case of a vacancy in the office of judge of registration, or of his absence or inability to perform his duties, the assistant judge shall perform them, until the vacancy is filled or any disability is removed.

Recorder to be appointed, etc.

SECTION 7. The governor, with the advice and consent of the council, shall appoint a recorder, who shall be clerk of the court, and who shall hold his office for the term of five years. He shall attend the sessions of the court and keep a docket of all causes, and shall affix the seal of the court to all process or papers proceeding therefrom and requiring a seal.

Duties of recorder.

SECTION 8. The recorder shall be under the direction of the court, and shall have the custody and control of all papers and documents filed with him under the provisions of this act, and shall carefully number and index the same. Said papers and documents shall be kept in Boston in an office to be called the Land Registration Office, which shall be near the court of registration. The recorder shall have authority, with the sanction of the court, to employ such assistants and messengers as may be necessary.

Recorder may act in any county.

SECTION 9. The recorder may act in any county, and after land has been registered under this act he may make all memoranda affecting the title, and enter and issue certificates of title as provided herein.

Registers of deeds to have same authority as recorder.

SECTION 10. The registers of deeds in each registry district, after any land within their respective districts has been registered under this act, shall have the same authority as the recorder to make all memoranda affecting the title of such land, and to enter and issue new certificates of title as provided herein, and to affix the seal of the court to such certificates and duplicate certificates of title; but in executing the provisions of this act the registers of deeds shall be subject to the general direction of the recorder, in order to secure uniformity throughout the Commonwealth; and their official designation shall be assistant recorders for the registry district in which they are severally registers of deeds. In case of the death or disability of the recorder the assistant recorder for the Suffolk district shall perform the duties of the recorder until the vacancy is filled or the disability removed.

Recorder and assistants to be sworn, etc.

SECTION 11. The recorder and all assistant recorders shall be sworn before the judge of registration, and a record thereof shall be made. They shall give bond in a

sum to be fixed by the court, for the faithful performance of their official duties, before entering upon the same. They may administer oaths in all cases in which an oath is required, to persons appearing before them in matters pertaining to the registration of land. They shall keep accurate accounts of all moneys received as fees or otherwise, which shall be subject to examination by the controller of county accounts, in the same manner as accounts of registers of deeds, and they shall pay over such moneys quarterly to the treasurer of the Commonwealth. In case of the absence of any assistant recorder the assistant register for the district, or if there is no assistant register the person acting as clerk in the office of the register of deeds, shall perform the duties of the assistant recorder, and the assistant recorder shall be responsible for him.

SECTION 12. The judge of registration may appoint one or more examiners of title in each county, who shall be attorneys at law, and shall be subject to removal by the supreme judicial court.

Examiners of title to be appointed.

SECTION 13. The salary of the judge of registration shall be forty-five hundred dollars a year. The salary of the assistant judge of registration shall be four thousand dollars a year. The salaries of the recorder, assistant recorders, examiners of titles, and all assistants and messengers shall be fixed by the governor and council. All salaries and expenses of the court shall be paid from the treasury of the Commonwealth.

Salaries.

SECTION 14. Every order, decision and decree of the court of registration shall be subject to appeal to the superior court for the county where the land lies, concerning which the order, decision or decree appealed from was made. The appeal shall be claimed and entered within thirty days from the date of such order, decision or decree, and the party appealing shall at the time of entering his appeal file in the superior court copies of all material papers in the case, certified by the recorder. Appearances and answers shall be filed in the superior court within thirty days after the appeal is entered, unless for good cause further time is allowed, and upon the motion of either party the cause shall be advanced for speedy hearing, and shall be tried by the court, unless either party within the time allowed for entering appearance claims trial by jury, in which case issues for the jury shall be framed. Questions of law arising in the superior court

Orders, decisions, subject to appeal, etc.

may be taken to the supreme judicial court for revision by any party aggrieved, in the same manner as in proceedings at law in the superior court.

Final decision
to be certified
to court.

SECTION 15. At the end of the proceedings on appeal the clerk of the superior court shall certify to the court of registration the final decision on the appeal, and the court of registration shall enter the final decree in the cause, in accordance with the certificate of the clerk of the superior court.

Appeals.

SECTION 16. If the party appealing does not duly prosecute his appeal within the time limited the original order, decision or decree shall stand as if no appeal had been taken.

Court may
enforce its
orders.

SECTION 17. The court of registration in all matters over which it has jurisdiction may enforce its orders or decrees, in the same manner as decrees are enforced in equity, and upon the request of the judge of registration the sheriff of any county shall assign a deputy to attend the sittings of the court in that county.

Costs.

SECTION 18. Costs shall be taxed as in the superior court sitting in equity, where no different provision is made.

ORIGINAL REGISTRATION.

Applications for
registration.

SECTION 19. Application for registration of title may be made by the following persons, namely:

First. The person or persons claiming, singly or collectively, to own the legal estate in fee simple.

Second. The person or persons claiming, singly or collectively, to have the power of appointing or disposing of the legal estate in fee simple.

Third. Infants and other persons under disability may make application by their legally appointed guardians; but the person in whose behalf the application is made shall be named as applicant.

Proviso.

Fourth. Corporations may make application by any officer duly authorized by a vote of the directors: *provided, however*, that one or more tenants for a term of years, which is regarded as a fee simple in section one of chapter one hundred and twenty-one of the Public Statutes, shall not be allowed to make application except jointly with those claiming the reversionary interest which makes up the fee simple at common law; nor shall a mortgagor make application without the consent in writing of the mortgagee; nor a married woman without the consent in

writing of her husband, unless she holds the land as her separate property or has a power to appoint the same in fee simple, or has obtained a decree of the probate court under the provisions of chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-five, as amended by chapter two hundred and ninety of the acts of the year eighteen hundred and eighty-seven; nor one or more tenants claiming undivided shares less than a fee simple in the whole land described in the application.

SECTION 20. The application may be filed with the recorder, or with the assistant recorder at the registry of deeds for the district in which the land, or any portion thereof, lies. Upon filing his application the applicant shall forthwith cause to be filed in the registry of deeds for the said district or districts a memorandum stating that application for registration has been filed, and the date and place of filing, and a copy of the description of the land contained in the application. This memorandum shall be recorded and indexed by the register with the records of deeds. Each assistant recorder shall also keep an index of all applications in his district, and in every case where the application is filed with him shall, after recording, transmit the same, with the papers and plans filed therewith, to the recorder.

Application to
be filed, etc.

SECTION 21. The application shall be in writing, signed and sworn to by the applicant or by some person duly authorized in his behalf. If there is more than one applicant the application shall be signed and sworn to by or in behalf of each. It shall contain a description of the land, and shall state whether the applicant is married; and if married the name of the wife or husband; and if unmarried whether he or she has been married, and if so, when and how the marriage relation terminated; and if by divorce, when, where and by what court the divorce was granted. It shall also state the name in full and the address of the applicant, and also the names and addresses of the adjoining owners and occupants, if known; and if not known it shall state what search has been made to find them. It may be in form as follows:

Application to
be in writing,
etc.

COMMONWEALTH OF MASSACHUSETTS.

To the Honorable the Judge of the Court of Registration.

I (or we) the undersigned, hereby apply to have the land hereinafter described brought under the operation and provisions of the land registration act, and to have my (or our) title therein registered

Form of appli-
cation.

and confirmed. And I (or we) declare: (1) That I am (or we are) the owner (or owners) in fee simple of a certain parcel of land with the buildings (if any, and if not, strike out the clause), situate in (here insert accurate description). (2) That said land at the last assessment for taxation was assessed at dollars; and the buildings (if any) at dollars. (3) That I (or we) do not know of any mortgage or encumbrance affecting said land, or that any other person has any estate or interest therein, legal or equitable, in possession, remainder, reversion or expectancy. (If any, add "other than as follows", and set forth each clearly.) (4) That I (or we) obtained title (if by deed, state name of grantor, date and place of record, and file the deed or state reason for not filing. If in any other way, state it). (5) That said land is occupied. (If occupied state name in full and place of residence and post office address of occupant and the nature of his occupancy. If unoccupied, insert "not.") (6) That the names in full and addresses as far as known to me (or us) of the occupants of all lands adjoining said land are as follows: (Give street and number wherever possible. If names not known state whether inquiry has been made, and what inquiry.) (7) That the names and addresses so far as known to me (or us) of the owners of all lands adjoining the above land are as follows: (Same directions as above.) (8) That I am (or we are) married. (Follow literally the directions given in section twenty-one of the land registration act.) (9) That my (or our) full name (or names), residence and post office address is (or are) as follows:

Dated this day of in the year eighteen hundred and ninety-

(Schedule of documents.)

(Signature.)

COMMONWEALTH OF MASSACHUSETTS.

ss.

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Then personally appeared the above named , known to me to be the signer (or signers) of the foregoing application, and made oath that the statements made therein, so far as made of his (or their) own knowledge are true, and so far as made upon information and belief, that he (or they) believe them to be true, before me,

Justice of the Peace.

Application of
person not a
resident of the
Common-
wealth.

SECTION 22. If the applicant is not a resident of the Commonwealth he shall file with his application a paper appointing an agent residing in the Commonwealth, giving his name in full and post office address, and shall therein agree that the service of any legal process in proceedings under or growing out of the application shall be of the same legal effect when made on said agent, as if made on the applicant within the Commonwealth. If the agent dies, or removes from the Commonwealth, the applicant shall at once make another appointment; and if he fails to do so the court may dismiss the application.

SECTION 23. Amendments to the application, including joinder, substitution, or discontinuing as to parties, shall be allowed by the court at any time upon terms that are just and reasonable; but all amendments shall be in writing, signed and sworn to, like the original.

Amendments to application.

SECTION 24. An application may include two or more contiguous parcels of land within the same registry district. But two or more persons claiming in the same parcels different interests, which collectively make up the legal estate in fee simple in each parcel, shall not join in one application for more than one parcel unless their interests are alike in each and every parcel. The court may at any time order an application to be amended by striking out one or more of the parcels, or by a severance of the application.

Application may include two or more parcels of land.

SECTION 25. If the application describes the land as bounded on a public or private way it shall state whether or not the applicant claims any and what land within the limits of the way, and whether the applicant desires to have the line of the way determined.

Land bounded on a public or private way.

SECTION 26. The applicant shall file with the application a plan of the land, and all original muniments of title within his control mentioned in the schedule of documents. Such original muniments as affect land not included in the application may be withdrawn on filing certified copies of the same. When an application is dismissed or discontinued the applicant may, with the consent of the court, withdraw such original muniments of title.

Plan to be filed with application.

SECTION 27. When an application is made subject to an existing mortgage or lease, executed by the applicant or some predecessor in title, the applicant shall file with the application a certified copy of the mortgage or lease, and cause the original to be presented for registration, before a decree of registration is entered.

When application is made subject to mortgage, etc., certified copy of mortgage to be filed.

SECTION 28. The court may by general rule require facts to be stated in the application in addition to those prescribed by this act, and not inconsistent therewith, and may require the filing of any additional papers.

Court may require certain facts to be stated.

SECTION 29. After the filing of an application, and before registration, the land therein described may be dealt with, and instruments relating thereto shall be recorded in the same manner as if no such application had been filed; but all instruments left for record relating to

Land may be dealt with as if no application had been filed, etc.

such land shall be indexed in the usual manner in the registry indexes, and also in the index of applications. As soon as an application is disposed of the recorder shall make a memorandum stating the disposition of the case, and shall send the same to the register of deeds for the proper district or districts, who shall record and index it with the records of deeds, and in the index of applications. If the proceedings upon the application end in a decree of registration of title the land included therein shall, as soon as the said decree is transcribed, as hereinafter provided in section forty-one, become registered land, and thereafter no deeds or other instruments relating solely to such land shall be recorded with the records of deeds, but shall be registered in the registration book and filed and indexed with the records and documents relating to registered land.

Application to
be referred to
examiners of
title.

SECTION 30. Immediately after the filing of an application the court shall enter an order referring it to one of the examiners of title, who shall search the records and investigate all facts stated in the application, or otherwise brought to his notice, and file in the case a report thereon, concluding with a certificate of his opinion upon the title. The recorder shall give notice to the applicant of the filing of such report. If the opinion of the examiner is adverse to the applicant he shall be allowed by the court a reasonable time in which to elect to proceed further or to withdraw his application. The election shall be made in writing and filed with the recorder.

Notice of filing
of application
to be published.

SECTION 31. If, in the opinion of the examiner, the applicant has a good title as alleged, and proper for registration, or, if the applicant after an adverse opinion of the examiner, elects to proceed further, the recorder shall, immediately upon the filing of the examiner's opinion, or the applicant's election, as the case may be, cause notice of the filing of the application to be published by the recorder in some newspaper published in the district where any portion of the lands lie. The notice shall be issued by the order of the court, attested by the recorder, and shall be in form substantially as follows :

REGISTRATION OF TITLE.

SUFFOLK SS.

COURT OF REGISTRATION.

Form of notice.

To (here insert the names of all persons known to have an adverse interest, and the adjoining owners and occupants, so far as known), and to all whom it may concern :

WHEREAS an application has been presented to said court by (name or names and address in full) to register and confirm his (or their) title in the following described land (insert description).

You are hereby cited to appear at the court of registration to be held at _____, in said county of _____ on the _____ day of _____ A.D., _____, at _____ o'clock in the forenoon, to show cause, if any you have, why the prayer of said application should not be granted. And unless you appear at said court at the time and place aforesaid your default will be recorded, and the said application will be taken as confessed, and you will be forever barred from contesting said application or any decree entered thereon.

WITNESS _____, Esquire, judge of said court, this _____ day of _____ in the year eighteen hundred and ninety-

Attest :

Recorder.

SECTION 32. The return day of said notice shall be not less than twenty nor more than sixty days from the date of issue. The court shall also, within seven days after publication of said notice in a newspaper, cause a copy of the same to be mailed by the recorder to every person named therein whose address is known. The court shall also cause a duly attested copy of the notice to be posted in a conspicuous place on each parcel of land included in the application, by a sheriff or deputy sheriff, fourteen days at least before the return day thereof, and his return shall be conclusive proof of such service. If the applicant requests to have the line of a public way determined the court shall order notice to be given by the recorder, by mailing a registered letter to the mayor of the city or to one of the selectmen of the town or towns in which the land lies, or, if the way is a highway, to one of the county commissioners of the county or counties in which the land lies. If the land borders on a river, navigable stream or shore, or on an arm of the sea where a river or harbor line has been established, or on a great pond, or if it otherwise appears from the application or the proceedings that the Commonwealth may have a claim adverse to that of the applicant, notice shall be given in the same manner to the attorney-general. The court may also cause other or further notice of the application to be given in such manner and to such persons as it may deem proper. The certificate of the recorder that he has served the notice as directed by the court, by publishing or mailing, shall be filed in the case before the return day, and shall be conclusive proof of such service.

Return day of notice, etc.

SECTION 33. Upon the return day of the notice, and proof of service of all orders of notice issued, the court

Guardian ad litem may be appointed for minors.

may appoint a disinterested person to act as guardian ad litem for minors, and for all persons not in being who may have an interest. The compensation of the guardian or agent shall be determined by the court and paid as part of the expenses of the court.

Any person claiming an interest may appear and file answer.

SECTION 34. Any person claiming an interest, whether named in the notice or not, may appear and file an answer on or before the return day, or within such further time as may be allowed by the court. The answer shall state all objections to the application, and shall set forth the interest claimed by the party filing the same, and shall be signed and sworn to by him or by some person in his behalf.

Court may order default in certain cases.

SECTION 35. If no person appears and answers within the time allowed the court may at once upon motion of the applicant, no reason to the contrary appearing, order a general default to be recorded and the application to be taken for confessed. By the description in the notice, "to all whom it may concern", all the world are made parties defendant and shall be concluded by the default and order. After such default and order the court may enter a decree confirming the title of the applicant and ordering registration of the same. The court shall not be bound by the report of the examiner of title, but may require other or further proof.

Cause shall be set down for hearing, etc.

SECTION 36. If in any case an appearance is entered and answer filed the cause shall be set down for hearing on the motion of either party, but a default and order shall first be entered against all persons who do not appear and answer, in the manner provided in the preceding section. The court may refer the cause or any part thereof to one of the examiners of title, as master, to hear the parties and their evidence, and make report thereof to the court. His report shall have the same weight as that of a master appointed by the superior court in equity, and he shall proceed according to the rules of said court applicable to masters, except as the same may be modified by the rules of the court of registration. The court may in any case before decree require a survey to be made for the purpose of determining boundaries, and may order durable bounds to be set, and referred to in the application, by amendment. The expense of survey and bounds shall be taxed in the costs of the case and may be apportioned among the parties as justice may require. If no persons

appear to oppose the application such expense shall be borne by the applicant.

SECTION 37. If in any case the court finds that the applicant has not title proper for registration a decree shall be entered dismissing the application, and such decree may be ordered to be without prejudice. The applicant may withdraw his application at any time before final decree, upon terms to be fixed by the court.

Court may dismiss the application in certain cases.

SECTION 38. If the court after hearing finds that the applicant has title as stated in his application, and proper for registration, a decree of confirmation and registration shall be entered. Every decree of registration shall bind the land, and quiet the title thereto, subject only to the exceptions stated in the following section. It shall be conclusive upon and against all persons, including the Commonwealth, whether mentioned by name in the application, notice or citation, or included in the general description "to all whom it may concern." Such decree shall not be opened by reason of the absence, infancy or other disability of any person affected thereby, nor by any proceeding at law or in equity for reversing judgments or decrees; subject however to the right of any person deprived of land or of any estate or interest therein by a decree of registration obtained by fraud to file a petition for review within one year after the entry of the decree, provided no innocent purchaser for value has acquired an interest. If there is any such purchaser the decree of registration shall not be opened but shall remain in full force and effect forever, subject only to the right of appeal hereinbefore provided. But any person aggrieved by such decree in any case may pursue his remedy by action of tort against the applicant or any other person for fraud in procuring the decree.

If applicant has title decree of confirmation shall be entered, etc.

SECTION 39. Every applicant receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land who takes a certificate of title for value and in good faith, shall hold the same free from all encumbrances except those noted on the certificate, and any of the following encumbrances which may be subsisting, namely:

Applicant receiving certificate of title to hold the same free of all encumbrance, except, etc.

First. Liens, claims or rights arising or existing under the laws or constitution of the United States which the statutes of this Commonwealth cannot require to appear of record in the registry.

Second. Taxes within two years after the same have been committed to the collector.

Third. Any highway, town way, or any private way laid out under the provisions of section sixty-five of chapter forty-nine of the Public Statutes or any act in amendment thereof or in substitution therefor, where the certificate of title does not state that the boundary of such way has been determined.

Fourth. Any lease for a term not exceeding seven years.

Proviso.

Fifth. Any liability to assessment for betterments, or other statutory liability which may attach to land in this Commonwealth as a lien prior to, or independent of, the recording or registering of any paper: *provided, however*, that if there are easements or other rights appurtenant to a parcel of registered land which for any reason have failed to be registered, such easements or rights shall remain so appurtenant notwithstanding such failure, and shall be held to pass with the land until cut off or extinguished by the registration of the servient estate, or in any other manner.

Sixth. Any conveyances, liens or other encumbrances made subsequent to the filing of the application for original registration and prior to the transcription of the decree for registration by the assistant recorder.

Seventh. Any attachments on mesne process.

Date of decree
of registration,
etc.

SECTION 40. Every decree of registration shall bear date of the year, day, hour and minute of its entry, and shall be signed by the recorder. It shall state whether the owner is married or unmarried, and if married the name of the husband or wife. If the owner is under disability it shall state the nature of the disability, and if a minor shall state his age. It shall contain a description of the land as finally determined by the court, and shall set forth the estate of the owner, and also, in such manner as to show their relative priority, all particular estates, mortgages, easements, liens, attachments and other encumbrances, including rights of husband or wife, if any, to which the land or the owner's estate is subject, and may contain any other matter properly to be determined in pursuance of this act. The decree shall be stated in a convenient form for transcription upon the certificates of title hereinafter mentioned.

Certified copy
of decree to be
sent to register
of deeds, etc.

SECTION 41. Immediately upon the entry of the decree of registration the recorder shall send a certified copy thereof, under the seal of the court, to the register of deeds for the district or districts in which the lands lie,

and the register as assistant recorder shall transcribe the decree in a book to be called the registration book, in which a leaf or leaves in consecutive order shall be devoted exclusively to each title. The entry made by the assistant recorder in this book in each case shall be the original certificate of title, and shall be signed by him and sealed with the seal of the court. All certificates of title shall be numbered consecutively, beginning with number one. The assistant recorder shall in each case make an exact duplicate of the original certificate, including the seal, but putting on it the words, "Owner's duplicate certificate", and deliver the same to the owner, or to his attorney duly authorized. In case of a variance between the owner's duplicate certificate and the original certificate the original shall prevail. The certified copy of the decree of registration shall be filed and numbered by the assistant recorder, with a reference noted on it to the place of record of the original certificate of title: *provided, however*, that when an application includes land lying in more than one district the court shall cause the part lying in each district to be described separately by metes and bounds in the decree of registration, and the recorder shall send to the assistant recorder for each registry district a copy of the decree containing a description of the land within that district, and the assistant recorder shall register the same and issue an owner's duplicate therefor, and thereafter for all matters pertaining to registration under this act the portion in each district shall be treated as a separate parcel of land.

Proviso.

SECTION 42. The certificate first registered in pursuance of a decree of registration in regard to any parcel of land shall be entitled in the registration book, "Original certificate of title, entered pursuant to decree of the court of registration, dated at" (stating time and place of entry of decree and the number of the case). The certificate shall take effect from the date of the transcription of the decree. Subsequent certificates relating to the same land shall be in like form, but shall be entitled "Transfer from No. " (the number of the next previous certificate relating to the same land), and also the words "Originally registered" (date, volume and page of registration).

Entry of decree in registration book.

SECTION 43. Where two or more persons are registered owners as tenants in common, or otherwise, one owner's duplicate certificate may be issued for the whole land or

Duplicate certificate may be issued in certain cases.

a separate duplicate may be issued to each for his undivided share.

Person holding one duplicate certificate may surrender it and take out certificates for different parcels of land.

SECTION 44. A registered owner holding one duplicate certificate for several distinct parcels of land may surrender it, with the approval of the court, and take out several certificates for portions thereof. So a registered owner holding separate duplicate certificates for several distinct parcels may surrender them, and, with like approval, take out a single duplicate certificate for the whole land, or several certificates for different portions thereof. Any owner subdividing a tract of registered land into lots shall file with the recorder a plan of such land, when applying for a new certificate or certificates, and the court before issuing the same shall cause the plan to be verified, and require that all boundaries, streets and passageways shall be distinctly and accurately delineated thereon.

Decree of registration to be agreement binding upon applicant, etc.

SECTION 45. The obtaining of a decree of registration and the entry of a certificate of title shall be regarded as an agreement running with the land, and binding upon the applicant and all his successors in title that the land shall be and forever remain registered land, and subject to the provisions of this act and of all acts in amendment hereof.

Title not to be acquired by prescription, etc.

SECTION 46. No title to registered land in derogation of that of the registered owner shall be acquired by prescription or adverse possession.

Original certificate or copy to be received as evidence.

SECTION 47. The original certificate in the registration book, any copy thereof duly certified under the signature of the recorder or an assistant recorder, and the seal of the court, and also the owner's duplicate certificate, shall be received as evidence in all the courts of the Commonwealth, and shall be conclusive as to all matters contained therein, except so far as otherwise provided in this act.

Certificate of title to contain names of all persons interested.

SECTION 48. Every certificate of title shall set forth the names of all the persons whose estates make up the estate in fee simple in the whole land, and duplicate certificates may be issued to each person, but the recorder or assistant recorder shall note in the registration book and on each duplicate, to whom such duplicate was issued.

Indexes of applications to be kept, etc.

SECTION 49. The recorder, under the direction of the court, shall make and keep indexes of all applications and of all decrees of registration, and shall also index and classify all papers and instruments filed in his office relating to applications and to registered titles. The recorder

shall also, under the direction of the court, cause forms of indexes and registration and entry books to be prepared for the use of the assistant recorders. The court shall prepare and adopt convenient forms of certificates of title, and shall also adopt general forms of memoranda to be used by the assistant recorders in registering the common forms of conveyance, and other instruments to express briefly their effect.

VOLUNTARY DEALING WITH LAND AFTER ORIGINAL REGISTRATION.

SECTION 50. An owner of registered land may convey, mortgage, lease, charge or otherwise deal with the same as fully as if it had not been registered. He may use forms of deeds, mortgages, leases or other voluntary instruments like those now in use and sufficient in law for the purpose intended. But no deed, mortgage or other voluntary instrument, except a will and a lease for a term not exceeding seven years, purporting to convey or affect registered land, shall take effect as a conveyance or bind the land, but shall operate only as a contract between the parties, and as evidence of authority to the recorder or assistant recorder to make registration. The act of registration shall be the operative act to convey or affect the land, and in all cases under this act the registration shall be made in the office of the assistant recorder for the district or districts where the land lies.

Owner of registered land may convey, mortgage, etc., said land, etc.

SECTION 51. Every conveyance, lien, attachment, order, decree, instrument or entry affecting registered land, which would under existing laws, if recorded, filed or entered in the registry of deeds, affect the real estate to which it relates, shall, if registered, filed or entered in the office of the assistant recorder of the district where the real estate to which such instrument relates lies, be notice to all persons from the time of such registering, filing or entering.

Conveyance, lien, etc., if registered shall be sufficient notice.

SECTION 52. No new certificate shall be entered or issued upon any transfer of registered land which does not divest the title in fee simple from the owner or some one of the registered owners. All interests in registered land less than an estate in fee simple shall be registered by filing with an assistant recorder the instrument creating or transferring or claiming such interest and by a brief

No certificate of transfer of registered land to be entered unless it divests title from the owner, etc.

memorandum thereof made by an assistant recorder upon the certificate of title, and signed by him. A similar memorandum shall also be made on the owner's duplicate. The cancellation or extinguishment of such interests shall be registered in the same manner.

Court to render decision in certain cases.

SECTION 53. Where the assistant recorder is in doubt upon any question, or where any party in interest does not agree as to the proper memorandum to be made in pursuance of any deed, mortgage or other voluntary instrument presented for registration, the question shall be referred to the court for decision, either on the certificate of the assistant recorder stating the question upon which he is in doubt, or upon the suggestion in writing of any party in interest; and the court, after notice to all parties and a hearing, shall enter an order prescribing the form of memorandum to the assistant recorder, who shall make registration in accordance therewith.

Instrument presented for registration must contain certain data.

SECTION 54. Every deed or other voluntary instrument presented for registration shall contain or have indorsed upon it the full name, place of residence, and post office address of the grantee or other person acquiring or claiming an interest under such instrument, and every deed shall also state whether the grantee is married or unmarried, and if married, give the name in full of the husband or wife. Any change in the residence or post office address of such person shall be indorsed by an assistant recorder on the original instrument, on receiving a sworn statement of such change. All names and addresses shall also be entered on all certificates. Notices and process issued in relation to registered land in pursuance of this act may be served upon any person in interest by mailing the same to the address so given, and shall be binding, whether such person resides within or without the Commonwealth.

No new certificate of title to be entered unless owner's duplicate certificate is presented, etc.

SECTION 55. No new certificate of title shall be entered, and no memorandum shall be made upon any certificate of title by the recorder or any assistant recorder, in pursuance of any deed or other voluntary instrument, unless the owner's duplicate certificate is presented with such instrument, except in cases expressly provided for in this act or upon the order of the court, for cause shown; and whenever such order is made a memorandum thereof shall be entered on the new certificate of title and on the owner's duplicate. The production of the owner's duplicate certificate whenever any voluntary instrument is pre-

sented for registration shall be conclusive authority from the registered owner to the recorder or any assistant recorder to enter a new certificate or to make a memorandum of registration in accordance with such instrument, and the new certificate or memorandum shall be binding upon the registered owner and upon all persons claiming under him, in favor of every purchaser for value and in good faith: *provided, however*, that in all cases of registration procured by fraud the owner may pursue all his legal and equitable remedies against the parties to such fraud, without prejudice however to the rights of any innocent holder for value of a certificate of title; and *provided, further*, that after the transcription of the decree of registration on the original application any subsequent registration under this act procured by the presentation of a forged duplicate certificate, or of a forged deed or other instrument, shall be null and void. In case of the loss or theft of an owner's duplicate certificate notice shall be sent by the owner or by some one in his behalf to the assistant recorder for the district in which the land lies, as soon as the loss or theft is discovered.

Provisos.

SECTION 56. Each assistant recorder shall keep an entry book in which he shall enter in the order of their reception all deeds and other voluntary instruments, and all copies of writs or other process filed with him relating to registered land. He shall note in such book the year, month, day, hour and minute of reception of all instruments, in the order in which they are received. They shall be regarded as registered from the time so noted, and the memorandum of each instrument when made on the certificate of title to which it refers shall bear the same date.

Entry book to be kept by assistant recorder.

Every deed or other instrument, whether voluntary or involuntary, so filed with the recorder or assistant recorder, shall be numbered and indexed, and indorsed with a reference to the proper certificate of title. All records and papers relating to registered land in the office of the recorder or of any assistant recorder shall be open to the public in the same manner as probate records are now open, subject to such reasonable regulations as the recorder, under the direction of the court, may make.

Instruments to be numbered and indexed.

Duplicates of all deeds and voluntary instruments filed and registered may be presented with the originals, and shall be attested and sealed by the recorder or an assistant

Duplicates may be presented with originals.

recorder, and indorsed with the file number and other memoranda on the originals, and may be taken away by the person presenting the same.

Copies may be furnished.

Certified copies of all instruments filed and registered may also be obtained at any time, on payment of the assistant recorder's fees.

CONVEYANCE IN FEES.

Owner desiring to convey must execute deed of conveyance, etc

SECTION 57. An owner desiring to convey in fee his registered land or any portion thereof shall execute a deed of conveyance, which the grantor or the grantee may present to the assistant recorder in the district where the land lies. The grantor's duplicate certificate shall be produced and presented at the same time. The assistant recorder shall thereupon make out in the registration book a new certificate of title to the grantee, and shall prepare and deliver to him an owner's duplicate certificate. The assistant recorder shall note upon the original and duplicate certificates the date of transfer, the volume and page of the registration book where the new certificate is registered, and a reference by number to the last prior certificate. The grantor's duplicate certificate shall be surrendered, and the word "cancelled", stamped upon it. The original certificate shall also be stamped "cancelled". The deed of conveyance shall be filed and indorsed with the number and place of registration of the certificate of title of the land conveyed.

Proceedings in case deed is for part only of land, etc.

SECTION 58. When a deed in fee is for a part only of the land described in a certificate of title the assistant recorder shall also enter a new certificate and issue an owner's duplicate to the grantor for the part of the land not included in the deed. In every case of transfer the new certificate or certificates shall include all the land described in the original and surrendered certificates: *provided, however*, that no new certificate to a grantee of a part only of the land shall be invalid by reason of the failure of the assistant recorder to enter a new certificate to the grantor for the remaining unconveyed portion.

Proviso.

Encumbrances or adverse claims.

SECTION 59. If at the time of any transfer there appears upon the registration book encumbrances or claims adverse to the title of the registered owner they shall be stated in the new certificate or certificates, except so far as they may be simultaneously released or discharged.

MORTGAGES.

SECTION 60. The owner of registered land may mortgage the same by executing a mortgage deed, and such deed may be assigned, extended, discharged, released in whole or in part, or otherwise dealt with by the mortgagee by any form of deed or instrument sufficient in law for the purpose. But such mortgage deed, and all instruments assigning, extending, discharging and otherwise dealing with the mortgage, shall be registered, and shall take effect upon the title only from the time of registration.

Mortgages.

SECTION 61. Registration of a mortgage shall be made in the manner following, to wit: — The owner's duplicate certificate shall be presented to the assistant recorder with the mortgage deed, and he shall enter upon the original certificate of title and also upon the owner's duplicate certificate a memorandum of the purport of the mortgage deed, the time of filing and the file number of the deed, and shall sign the memorandum. He shall also note upon the mortgage deed the time of filing and a reference to the volume and page of the registration book where it is registered.

Registration of mortgage.

The assistant recorder shall also, at the request of the mortgagee, make out and deliver to him a duplicate of the certificate of title, like the owner's duplicate, except that the words "Mortgagee's duplicate" shall be stamped upon it in large letters diagonally across its face. A memorandum of the issue of the mortgagee's duplicate shall be made upon the original certificate of title.

SECTION 62. Whenever a mortgage upon which a mortgagee's duplicate has been issued is assigned, extended or otherwise dealt with, the mortgagee's duplicate shall be presented with the instrument assigning, extending or otherwise dealing with the mortgage, and a memorandum of the instrument shall be made upon the mortgagee's duplicate certificate. When the mortgage is discharged or otherwise extinguished the mortgagee's duplicate certificate shall be surrendered and stamped "cancelled". The production of the mortgagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented, subject however to all the provisions and exceptions contained in section fifty-six of this act so far as the same are applicable.

Assignment of mortgage.

Discharge of
mortgage.

A mortgage on registered land may be discharged by the mortgagee in person on the registration book in the same manner as a mortgage on unregistered land may be discharged by an entry on the record book in the registry of deeds, and such discharge shall be attested by an assistant recorder.

Foreclosure of
mortgages.

SECTION 63. Mortgages of registered land may be foreclosed like mortgages of unregistered land; but in case of foreclosure by entry and possession the certificate of entry required by section two of chapter one hundred and eighty-one of the Public Statutes shall be filed and registered by an assistant recorder within thirty days after the entry, in lieu of recording. After possession has been obtained by the mortgagee or his assigns, by entry or by action, and continued for the time required by law to complete the foreclosure, he or his assigns may petition the court of registration for the entry of a new certificate, and the court, after notice to all parties in interest, shall have jurisdiction to hear the cause, and may order the entry of a new certificate on such terms as equity and justice may require.

In case of foreclosure by action as provided in chapter one hundred and eighty-one of the Public Statutes, and by exercising the power of sale in the mortgage under the direction of the court as provided therein, a certified copy of the final decree of the court confirming the sale may be filed with the assistant recorder, after the time for appealing therefrom has expired, and the purchaser shall thereupon be entitled to the entry of a new certificate.

In case of foreclosure by exercising the power of sale without a previous decree of court the affidavit required by section eighteen of chapter one hundred and eighty-one of the Public Statutes shall be filed and registered with the assistant recorder, in lieu of recording. The purchaser at the foreclosure sale or his assigns may thereupon at any time present the deed under the power of sale to the assistant recorder for filing and registration, and obtain a new certificate, the owner's duplicate certificate and the mortgagee's duplicate, if any, being first delivered up and cancelled: *provided, however*, that nothing contained in this act shall be construed to prevent the mortgagor or other person in interest from directly impeaching, by bill in equity or otherwise, any foreclosure proceedings affecting registered land, prior to the entry of a new certificate of title.

Proviso.

After a new certificate of title has been entered no judgment recovered on the mortgage note for any balance due thereon shall operate to open the foreclosure or affect the title to registered land.

LEASES.

SECTION 64. Leases of registered land for a term of seven years or more shall be registered, in lieu of recording. A lessee's duplicate certificate may be issued to the lessee upon his request, subject to the provisions hereinbefore made in regard to a mortgagee's duplicate certificate, so far as the same are applicable.

Leases of registered land.

TRUSTS.

SECTION 65. Whenever a deed or other instrument is filed for the purpose of transferring registered land in trust, or upon any equitable condition or limitation expressed therein, or for the purpose of creating or declaring a trust or other equitable interest in such land without transfer, the particulars of the trust, condition, limitation or other equitable interest shall not be entered on the certificate; but a memorandum thereof shall be entered by the words "in trust", or "upon condition", or other apt words, and by a reference by number to the instrument authorizing or creating the same. A similar memorandum shall be made upon the duplicate certificate. The assistant recorder shall note upon the original instrument creating or declaring the trust or other equitable interest, a reference by number to the certificate of title to which it relates, and to the volume and page in the registration book where it is registered. If the instrument creating or declaring a trust or other equitable interest is already recorded in the registry of deeds or of probate a certified copy may be filed by the assistant recorder and registered.

Trusts.

SECTION 66. If the instrument creating or declaring a trust or other equitable interest contains an express power to sell, mortgage or deal with the land in any manner, such power shall be stated in the certificate of title by the words "with power to sell", or "with power to mortgage", and by apt words of description in case of other powers. No instrument transferring, mortgaging or in any way dealing with registered land held in trust shall be registered, unless the power thereto enabling is expressly

Certain words to be contained in instrument creating or declaring a trust.

conferred in the instrument of trust, or unless the decree of a court of competent jurisdiction on a bill for instructions or other proceeding has construed the instrument in favor of the power, in which case a certified copy of such decree may be filed with the assistant recorder, and he shall make registration in accordance therewith.

New certificate to issue in case new trustee is appointed.

SECTION 67. When a new trustee of registered land is appointed by the supreme judicial court or the superior or probate court, a new certificate shall be entered to him upon presentation to the assistant recorder of a certified copy of the decree and the surrender of the duplicate certificate.

Statement of an implied or constructive trust must be filed.

SECTION 68. Whoever claims an interest in registered land by reason of any implied or constructive trust shall file for registration a statement thereof with the assistant recorder. The statement shall contain a description of the land, and a reference to the number of the certificate of title and the volume and page of the registration book where it is entered. Such claim shall not affect the title of a purchaser for value and in good faith before its registration.

Any trustee may file an application.

SECTION 69. Any trustee shall have authority to file an application for registration of any land held in trust by him, unless expressly prohibited by the instrument creating the trust.

LEGAL INCIDENTS OF REGISTERED LAND.

Same burdens attach to registered as to unregistered land.

SECTION 70. Registered land, and ownership therein, shall in all respects be subject to the same burdens and incidents which attach by law to unregistered land. Nothing contained in this act shall in any way be construed to relieve registered land or the owners thereof from any rights incident to the relation of husband and wife, or from liability to attachment on mesne process or levy on execution, or from liability to any lien of any description established by law on land and the buildings thereon, or the interest of the owner in such land or buildings, or to change the laws of descent, or the rights of partition between coparceners and other cotenants, or the right to take the same by eminent domain, or to relieve such land from liability to be recovered by an assignee in insolvency under the provisions of law relating to preferences, or to change or affect in any way any other

rights or liabilities created by law and applicable to unregistered land, except as otherwise expressly provided in this act or any amendment hereof.

ATTACHMENTS AND OTHER LIENS.

SECTION 71. In every case where a writing of any description or a copy of any writ is required by law to be filed or recorded in the registry of deeds in order to create or preserve any lien, right or attachment, upon unregistered land, such writing or copy when intended to affect registered land, in lieu of recording, shall be filed and registered in the office of the assistant recorder for the same registry district in which the land lies, and, in addition to any particulars required in such papers for recording with records of deeds, shall also, except in the case of attachment on mesne process, contain a reference to the number of the certificate of title of the land to be affected, and the volume and page of the registration book where the certificate is registered, and also, if the attachment, right or lien is not claimed on all the land in any certificate of title, a description sufficiently accurate for identification, of the land intended to be affected.

Attachments and other liens.

SECTION 72. In every case where an attachment or other lien or adverse claim of any description is registered, and the duplicate certificate is not presented at the time of registration to the assistant recorder, he shall within twenty-four hours thereafter send notice by mail to the registered owner, stating that such paper has been registered, and requesting him to send or produce his duplicate certificate in order that a memorandum of the attachment, or other lien or adverse claim may be made thereon. If the owner neglects or refuses to comply within a reasonable time the assistant recorder shall suggest the fact to the court, and the court after notice shall enter an order to the owner to produce his certificate at a time and place to be named therein, and may enforce the order by suitable process.

Notice to registered owner must be given where adverse claim is registered.

SECTION 73. Attachments on mesne process and liens of every description upon registered land shall be continued, reduced, discharged and dissolved by any method sufficient in law to continue, reduce, discharge or dissolve like liens on unregistered land. All certificates or other instruments which are permitted or required by law to be

Attachments on mesne process.

recorded in the registry of deeds to give effect to the continuance, reduction, discharge or dissolution of attachments or other liens upon unregistered lands, or to give notice of such continuance, reduction, discharge or dissolution, shall in the case of like liens upon registered land be filed with the assistant recorder and registered in the registration book, in lieu of recording.

Provisions of law now in force to apply to registered land.

SECTION 74. All the provisions of law now in force relating to attachments of real estate and leasehold estates on mesne process shall apply to registered land, except that the duties required to be performed by the register of deeds shall be performed by the assistant recorder for the registry district where the land lies, who, in lieu of recording, shall register the facts now required to be recorded, and for that purpose shall keep books similar to those now required to be kept for attachments by registers of deeds, and the fees for registering attachments shall be the same as are now provided for recording.

Name and address of attorney to be indorsed upon writ.

SECTION 75. The name and address of the plaintiff's attorney shall in all cases be indorsed upon the writ, where an attachment is made, and he shall be deemed to be the attorney of the plaintiff until written notice that he has ceased to be such shall be filed for registration by the plaintiff.

When attachment is continued, etc., entry of order entitled to registration.

SECTION 76. Whenever an attachment on mesne process is continued, reduced, dissolved or otherwise affected by an order, decision or judgment of the court in which the action or proceeding in which said attachment was made is pending, or by any order of a court of insolvency, a certificate of the entry of such order, decision or judgment from the clerk or register and under the seal of the court, shall be entitled to be registered on presentation to the assistant recorder. A like certificate of the allowance by the court of an amendment which a subsequent attaching creditor or purchaser contends had the effect of dissolving an attachment, may be registered as an amendment allowed, but shall not be conclusive of dissolution, unless the court in which the action or suit is pending adjudicates that the amendment dissolved the attachment, in which case a certificate of the order, as soon as it becomes absolute, shall be registered as a dissolution of the attachment.

Mechanics' liens, etc.

SECTION 77. When a mechanic's lien or lien for labor and materials is claimed upon registered and unregistered

land, and the original statement required by section six of chapter one hundred and ninety-one of the Public Statutes and amendments thereof is deposited with the register of deeds and recorded, an attested copy of such statement shall be filed with the assistant recorder and registered.

SECTION 78. A lien of any description upon registered land shall be enforced in the same manner as like liens upon unregistered land. Whenever registered land is set off or sold on execution; or taken or sold for taxes, or for any assessment; or sold to enforce a lien for labor or materials; or the lien of a mortgagee or cotenant arising from a payment of taxes; or for an assessment under sections eleven to thirteen of chapter fifty-one of the Public Statutes or any act in amendment thereof; or for costs and charges for taking down dangerous structures under section seventeen of chapter four hundred and eighty-one of the acts of the year eighteen hundred and ninety-four or any act in amendment thereof; or for erecting fences along the line of a railroad corporation under section one hundred and sixteen of chapter one hundred and twelve of the Public Statutes; or for improving meadows and swamps under sections four to seven of chapter one hundred and eighty-nine of the Public Statutes; or for flowing land under section twenty-two of chapter one hundred and ninety of the Public Statutes; or for any costs and charges incident to such liens; any execution, or copy of the execution, any officer's return, or any deed, demand, certificate or affidavit or other instrument made in the course of proceedings to enforce such liens and required by law to be recorded in the registry of deeds in the case of unregistered land, shall be filed with the assistant recorder for the district where the land lies, and registered in the registration book, and a memorandum made upon the proper certificate of title in each case as an adverse claim or encumbrance.

Liens upon registered land to be enforced the same as on unregistered lands, etc.

SECTION 79. Upon the expiration of the time allowed by law for redemption after registered land has been set off or sold on any execution, or taken or sold for the enforcement of any lien of any description, the person claiming under an execution, or under any deed or other instrument made in the course of proceedings to levy such execution or enforce any lien, may petition the court for the entry of a new certificate to him, and the application

Person claiming on an execution, in cases of registered land, may petition court for new certificate.

PROVISOR.

may be granted: *provided, however*, that every new certificate entered under this section shall contain a memorandum of the nature of the proceeding on which it is based; and *provided, further*, that where a new certificate is entered in pursuance of any tax title such certificate shall contain a memorandum that it is subject to the rights of redemption reserved in sections fifty-seven and seventy-six of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight or any acts in amendment thereof or in substitution therefor, and *provided, further*, that at any time prior to the entry of a new certificate the registered owner may pursue all his legal and equitable remedies to impeach or annul proceedings under executions or to enforce liens of any description.

PENDING SUITS, JUDGMENTS, DECREES AND PARTITIONS.

Suits, judgments, etc.

SECTION 80. No writ of entry, petition for partition, or other action at law, or any proceeding in equity affecting the title to real estate or the use and occupation thereof or the buildings thereon, and no judgment or decree, nor any writ of error, bill of review or other proceeding to vacate or reverse any judgment or decree, shall have any effect upon registered land as against persons other than the parties thereto, unless a memorandum like that described in section thirteen of chapter one hundred and twenty-six of the Public Statutes and amendments thereof, containing also a reference to the number of the certificate of title of the land affected, and the volume and page of the registration book where it is entered, shall be filed and registered. This section shall not apply to attachments, levies of execution, or to proceedings for the probate of wills, or for administration, in the probate court: *provided, however*, that in case notice of the pendency of the action has been duly registered it shall be sufficient to register the judgment or decree in such action within sixty days after the rendition thereof.

PROVISOR.

Certain certificates entitled to registration.

SECTION 81. At any time after final judgment or decree in favor of the defendant, or other disposition in the manner specified in section fourteen of chapter one hundred and twenty-six of the Public Statutes, of any case in which a memorandum has been registered as provided in the preceding section, a certificate of the clerk

stating the manner of disposal thereof, as provided in said section fourteen, shall be entitled to registration.

SECTION 82. Whenever in any real action affecting registered land judgment is entered for the plaintiff or demandant, except in actions of ejectment and actions under chapter one hundred and seventy-five of the Public Statutes, relating to terms of less than seven years, such judgment shall be entitled to registration on presentation of a certificate of the entry thereof from the clerk of the court where the action is pending, to the assistant recorder, who shall enter a memorandum upon the certificate of title of the land to which such judgment relates. If the judgment does not apply to all the land described in the certificate of title the certificate of the clerk and the memorandum entered by the assistant recorder shall contain a description of the land affected by the judgment.

Judgment for plaintiff or demandant in actions affecting registered land entitled to registration.

SECTION 83. When in any writ of entry an execution or writ of seizin has been issued and served by the officer he shall cause an attested copy of the execution, with a return of his doings thereon, to be filed and registered within three months after the service and before the return of the execution into the clerk's office, and the demandant, in case the judgment was that he was entitled to an estate in fee simple in the demanded premises, or in any part thereof, and for which execution issued, shall thereupon be entitled to the entry of a new certificate of title: *provided*, that in informations under chapter one hundred and eighty-two of the Public Statutes the Commonwealth shall be entitled to have the certificate of the registered owner cancelled by the court of registration as soon as judgment is rendered in its favor.

Copy of writ of seizin to be filed and registered.

Proviso.

SECTION 84. When in a writ of dower judgment is entered confirming the report of the commissioners under section seven of chapter one hundred and seventy-four of the Public Statutes, or when in a writ of waste judgment is entered that the plaintiff recover the place wasted, a certificate of the entry of such judgment may be registered as an encumbrance.

When judgment is entered in a writ of dower, etc., it may be registered as an encumbrance.

SECTION 85. Any decree of a court of equity affecting title or rights in registered land, whether made in the exercise of general equity jurisdiction, or in the exercise of jurisdiction conferred by statute for the quieting of titles or removing clouds from titles, as in chapter two

Decree affecting title, etc., in registered land may be registered, etc.

hundred and thirty-seven of the acts of the year eighteen hundred and eighty-two, chapter two hundred and eighty-three of the acts of the year eighteen hundred and eighty-five, chapter four hundred and forty-two of the acts of the year eighteen hundred and eighty-nine, and chapter three hundred and forty of the acts of the year eighteen hundred and ninety-three, or for any similar purpose, may be registered in the same manner as a judgment at law. But every court of equity passing such a decree shall, upon application of the plaintiff or petitioner, order any parties before it to execute for registration any deed or instrument necessary to give effect to its decree, and may require the registered owner to deliver his duplicate certificate to the plaintiff or petitioner to be cancelled or to have a memorandum entered upon it by the assistant recorder. In case the person required to execute any deed or other instrument necessary to give effect to the decree is absent from the Commonwealth, or is a minor, or insane, or for any reason not amenable to the process of the court, the court may appoint some suitable person a trustee to execute such instrument, and the same when executed shall be registered and shall have full force and effect to bind the land to be affected thereby.

Proceedings for
partition of
registered land,
etc.

SECTION 86. In all proceedings for partition of registered land, or for the assignment in fee of registered land claimed by husband or wife by statutory right, after the entry of the final judgment or decree of partition and the acceptance of the report of the commissioners, a copy of the judgment or decree and of the return of the commissioners, certified by the clerk or register, as the case may be, shall be filed and registered; and thereupon, in case the land is set off to the owners in severalty, any owner shall be entitled to have a certificate entered of the share set off to him in severalty, and to receive an owner's duplicate therefor. In case the land is ordered by the court to be sold the purchaser or his assigns shall be entitled to have a certificate of title entered to him or them on presenting the deed of the commissioners for registration: *provided, however*, that any new certificate entered in pursuance of partition proceedings, whether by way of set-off or of sale, shall contain a reference to the final judgment or decree of partition, and shall be conclusive as to the title to the same extent and against the same persons as such judgment or decree is made

Proviso.

conclusive by the statutes applicable thereto; and *provided, also*, that any person holding such certificate of title or a transfer thereof shall have the right to petition the court at any time to cancel the memorandum relating to such judgment or decree, and the court, after notice and hearing, may grant the application. Such certificate shall thereafter be conclusive in the same manner and to the same extent as other certificates of title.

Proviso.

SECTION 87. When a certified copy of a judgment or decree for partition and of the return of the commissioners is presented for registration, if a mortgage or lease affecting a specific portion or an undivided share of the premises had previously been registered, the tenant claiming under the mortgagor or lessor shall cause the mortgage or lease and any duplicate certificate of title issued to the mortgagee or lessee to be again presented for registration, and the assistant recorder shall indorse on each a memorandum of such partition, with a description of the land set off in severalty on which such mortgage or lease remains in force. Such tenant shall not be entitled to receive his own duplicate certificate of title until such mortgage or lease has been so presented for registration.

When judgment or decree for partition is presented tenant claiming under mortgagor, etc., shall cause mortgage, etc., to be presented for registration.

INSOLVENCY.

SECTION 88. It shall be the duty of the messenger to register notice of the issuing of a warrant in insolvency against a debtor who is an owner of registered land, when the same is committed to him, by filing a copy thereof with the assistant recorder.

Insolvency.

An assignee in insolvency shall be entitled to the entry of a new certificate of registered land of the debtor upon presenting and filing a certified copy of the assignment, with the insolvent's duplicate certificate of title; but the new certificate shall state that it is entered to him as assignee in insolvency.

Assignee in insolvency.

SECTION 89. Whenever proceedings in insolvency against a registered owner of which notice has been registered are vacated by decree, or when the court of insolvency grants a discharge and orders a reconveyance of land to an insolvent debtor in proceedings under chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-four and acts in amendment

Proceedings in insolvency against registered owner.

thereof, a certified copy of the decree, or of such discharge and order, may be filed and registered. If a new certificate has been entered to the assignee in insolvency as registered owner the debtor shall be entitled to the entry of a new certificate to him, and the certificate of the assignee shall be surrendered.

EMINENT DOMAIN.

Description to be filed when land of a registered owner is taken by eminent domain, etc.

SECTION 90. Whenever any land of a registered owner, or any right or interest therein, is taken by eminent domain, the Commonwealth or body politic or corporate or other authority exercising such right shall file for registration in the proper registry district a description of the registered land so taken, giving the name of each owner thereof, referring by number and place of registration in the registration book to each certificate of title, and stating what estate or interest in the land is taken, and for what purpose. A memorandum of the right or interest taken shall be made on each certificate of title by the assistant recorder, and where the fee simple is taken a new certificate shall be entered to the owner for the land remaining to him after such taking. In any case where the owner has a lien upon the land taken for his damages it shall be so stated in the memorandum of registration. All fees on account of any memorandum of registration or entry of new certificates shall be paid by the Commonwealth or body politic or corporate or other authority taking the land.

Court may order entry of new certificate of title in certain cases.

SECTION 91. When for any reason, by operation of law, land which was taken for a public use reverts to the owner from whom it was taken or to his heirs or assigns, the court upon the petition of the person entitled to the benefit of the reversion, after notice and hearing, may order the entry of a new certificate of title to him.

TRANSFER BY DESCENT AND DEVISE.

Transfer by descent, etc.

SECTION 92. Upon the death of a registered owner his heirs at law or devisees on the expiration of thirty days after the entry of a decree of the probate court granting letters testamentary or of administration, or in case of an appeal from such decree, at any time after the entry of a final decree, may file a certified copy of the final decree of the probate court and of the will, if any,

with the assistant recorder, and make application for the entry of a new certificate. The court shall issue notice to the executor and administrator and all other persons in interest, and may also give notice by publication in such newspaper or newspapers as it may deem proper, to all whom it may concern, and after hearing may direct the entry of a new certificate or certificates to the person or persons entitled as heirs or devisees. Any new certificate so entered before the final settlement of the estate of the deceased owner in the probate court shall state expressly that it is entered by transfer from the last certificate by descent or devise, and that the estate is in process of settlement. After the final settlement of the estate in the probate court, or after the expiration of the time allowed by law for bringing an action against an executor or administrator by creditors of the deceased, the heirs at law or devisees may petition the court for an order to cancel the memorandum upon their certificate, stating that the estate is in course of settlement, and the court, after notice and hearing, may grant the petition: *provided, however*, that the liability of heirs or devisees of registered land for claims against the estate of the deceased shall not in any way be diminished or changed.

Transfer by
descent.

Proviso.

SECTION 93. Nothing contained in this act shall in any way affect or impair the jurisdiction of the probate court to license an executor or administrator or guardian to sell or mortgage registered land for any purpose for which a license may be granted in the case of unregistered land. The purchaser or mortgagee taking a deed executed in pursuance of such license shall be entitled to a new certificate of title, or memorandum of registration, on presenting his deed to the assistant recorder.

Jurisdiction of
probate court
not affected.

ASSURANCE FUND.

SECTION 94. Upon the original registration of land under this act, and also upon the entry of a certificate showing title as registered owners in heirs or devisees, there shall be paid to the recorder one tenth of one per cent. of the assessed value of the real estate, on the basis of the last assessment for municipal taxation, as an assurance fund.

Assurance
fund.

SECTION 95. All money received by the recorder under the preceding section shall be paid to the treasurer of the Commonwealth. He shall keep the same invested, with

Treasurer of
the Common-
wealth to be
custodian of
assurance fund.

the advice and approval of the governor and council, and shall report annually to the general court the condition and income thereof.

Persons sustaining loss, etc., through fraud, etc., may prosecute an action of contract.

Provisos.

SECTION 96. Any person who without negligence on his part sustains loss or damage, or is deprived of land or of any estate or interest therein after the original registration of land under this act, by the registration of any other person as owner of such land or of any estate or interest therein, through fraud or in consequence of any error, omission, mistake or misdescription in any certificate of title or in any entry or memorandum in the registration book, may bring and prosecute an action of contract in the superior court for the recovery of compensation for such loss or damage or for such land or estate or interest therein from the assurance fund: *provided, however*, that where the person deprived of land or of any estate or interest therein in the manner above stated has right of action or other remedy for the recovery of the land or of the estate or interest therein, he shall exhaust such right of action or other remedy before resorting to the action of contract herein provided; and *provided, further*, that nothing in this act shall be construed to deprive the plaintiff of any action of tort which he may have against any person for such loss or damage, or deprivation of land or of any estate or interest therein. But if the plaintiff elects to pursue his remedy in tort, and also brings an action of contract under this act, the action of contract shall be continued to await the result of the action of tort.

Action to be brought against treasurer of the Commonwealth.

SECTION 97. If such action of contract is brought to recover for loss or damage or for deprivation of land or of any estate or interest therein, arising wholly through any fraud, negligence, omission, mistake or misfeasance of the recorder, assistant recorder or of any of the examiners of title, in the performance of executive or ministerial duties, or of any of the assistants or clerks of the recorder, in the performance of their respective duties, then the action shall be brought against the treasurer of the Commonwealth as sole defendant.

In certain cases action may be brought both against treasurer and other persons as joint defendants.

If such action is brought to recover for loss or damage or deprivation of land or of any estate or interest therein arising wholly through any fraud, negligence, omission, mistake or misfeasance of some person or persons other than the recorder, assistant recorder or the other officers

and assistants above-named, or arising jointly through the fraud, negligence, omission, mistake or misfeasance of such other person and the recorder, assistant recorder or other officers and assistants above-named, then such action shall be brought against both the treasurer of the Commonwealth and such other person or persons, as joint defendants.

SECTION 98. Where there are defendants other than the treasurer of the Commonwealth, and where judgment is entered for the plaintiff against the treasurer and against some or all of the other defendants, execution shall issue against the other defendants and be levied upon them. If the execution is returned unsatisfied in whole or in part, and the officer returning the same certifies that the amount due cannot be collected from the lands or goods of such other defendants, a justice of the superior court shall direct the clerk to certify to the governor the amount due on the execution, and the governor shall draw his warrant therefor upon the treasurer of the Commonwealth, and the treasurer shall pay the amount out of the assurance fund, without any further act or resolve making an appropriation therefor.

Issue of execution against defendants.

When in such action judgment for any reason cannot be entered against all or any of the other defendants it may be entered against the treasurer alone or against the treasurer and such of the other defendants as are found to be liable, and against whom judgment can lawfully be entered. Whenever judgment is entered against the treasurer of the Commonwealth alone, whether in a case where he is sole defendant or joint defendant with others, the justice of the superior court before whom the action is tried shall direct the clerk to transmit to the governor a certificate of the entry of judgment and of the amount due, and the treasurer shall pay the same upon the warrant of the governor, as above provided.

Same subject

SECTION 99. If the assurance fund at any time is not sufficient to meet the amount called for by such warrant of the governor the treasurer shall make up the deficiency from any funds in the treasury not otherwise appropriated; and in such case any sums thereafter received by the treasurer on account of the assurance fund shall be transferred to the general funds of the treasury, until the amount paid on account of the deficiency shall have been made up.

In case assurance fund is not sufficient treasurer to make up deficiency.

Rights of plaintiff against other parties, etc.

SECTION 100. In every case where payment has been made by the treasurer of the Commonwealth under warrant from the governor the Commonwealth shall be subrogated to all rights of the plaintiff against any other parties or securities, and the treasurer shall enforce the same in behalf of the Commonwealth. Any sums so recovered by the treasurer shall be paid into the treasury of the Commonwealth to the account of the assurance fund.

Income of insurance fund to be added to principal until, etc.

SECTION 101. The income of the assurance fund shall be added to the principal and invested, until said fund amounts to the sum of two hundred thousand dollars, and thereafter the income of such fund shall be used to defray, as far as may be, the expenses of the administration of this act, instead of being added to the fund and accumulated.

Assurance fund not liable in certain cases.

SECTION 102. The assurance fund shall not be liable to pay for any loss, damage or deprivation occasioned by a breach of trust, whether express, implied or constructive, by any registered owner who is a trustee, or by the improper exercise of any power of sale in a mortgage. Nor shall any plaintiff recover as compensation in an action of contract under this act more than the fair market value of the real estate at the time of the last payment to the assurance fund on account of the same real estate.

Actions of contract to be begun within six years.

SECTION 103. All actions of contract for compensation under this act by reason of any loss or damage or deprivation of land or any estate or interest therein shall be begun within the period of six years from the time when the cause of action accrued, and not afterwards : *provided, however*, that the plaintiff in an action for the recovery of the land or estate or interest therein in accordance with section ninety-seven of this act may bring the action of contract for compensation within one year after the termination of such action ; and *provided, further*, that the action of contract herein provided shall survive to the personal representative of the registered owner, unless barred in his lifetime, but the proceeds thereof shall be treated as real estate.

Provisos.

POWERS OF ATTORNEY.

Powers of attorney.

SECTION 104. Any person may by attorney procure land to be registered and convey or otherwise deal with registered land, but the letters of attorney shall be ac-

known and filed with the recorder or the assistant recorder of the proper registry district, and registered. Any instrument revoking such letters shall be acknowledged and registered in like manner.

LOST DUPLICATE CERTIFICATES.

SECTION 105. If a duplicate certificate is lost or destroyed, or cannot be produced by a grantee, heir, devisee, assignee or other person, applying for the entry of a new certificate to him or for the registration of any instrument, a suggestion of the fact of such loss or destruction may be filed by the registered owner or other person in interest, and registered. The court may thereupon, upon the petition of the registered owner or other person in interest, after notice and hearing, direct the issue of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in place of a lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as the original duplicate for all the purposes of this act.

Lost duplicate
certificates,
etc.

ADVERSE CLAIMS.

SECTION 106. Whoever claims any right or interest in registered land adverse to the registered owner arising subsequent to the date of original registration may, if no other provision is made in this act for registering the same, make a statement in writing setting forth fully his alleged right or interest, and how or under whom acquired, and a reference to the volume and page of the certificate of title of the registered owner, and a description of the land in which the right or interest is claimed. The statement shall be signed and sworn to, and shall state the adverse claimant's residence, and designate a place at which all notices may be served upon him. This statement shall be entitled to registration as an adverse claim, and the court, upon the petition of any party in interest, shall grant a speedy hearing upon the question of the validity of such adverse claim, and shall enter such decree thereon as justice and equity may require. If the claim is adjudged to be invalid the registration shall be cancelled. If in any case the court after notice and hearing shall find that a claim thus registered was frivo-

Adverse claims,
etc.

lous or vexatious it may tax the adverse claimant double costs.

SURRENDER OF DUPLICATE CERTIFICATES.

Surrender of
duplicate
certificates.

SECTION 107. In every case where the recorder or any assistant recorder is requested to enter a new certificate in pursuance of an instrument purporting to be executed by the registered owner, or by reason of any instrument or proceedings which divest the title of the registered owner against his consent, if the outstanding owner's duplicate certificate is not presented for cancellation when such request is made, the recorder or assistant recorder shall not enter a new certificate, but the person claiming to be entitled thereto may apply by petition to the court. The court, after a hearing, may order the registered owner or any person withholding the duplicate certificate to surrender the same, and direct the entry of a new certificate upon such surrender.

Court may
annul duplicate
certificate in
certain cases.

If in any case the person withholding the duplicate certificate is not amenable to the process of the court, or if for any reason the outstanding owner's duplicate certificate cannot be delivered up, the court may by decree annul the same, and order a new certificate of title to be entered. Such new certificate and all duplicates thereof shall contain a memorandum of the annulment of the outstanding duplicate.

Proceedings in
case certificate
is not produced,
etc.

If in any case an outstanding mortgagee's or lessee's duplicate certificate is not produced and surrendered when the mortgage is discharged or extinguished or the lease is terminated, like proceedings may be had to obtain registration as in the case of the non-production of an owner's duplicate.

AMENDMENT AND ALTERATION OF CERTIFICATES OF TITLE.

Amendment
and alteration
of certificates of
title.

SECTION 108. No erasure, alteration or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same by the recorder or an assistant recorder, except by order of the court. Any registered owner or other person in interest may at any time apply by petition to the court, upon the ground that registered interests of any description, whether vested, contingent, expectant or inchoate, have terminated and

ceased ; or that new interests have arisen or been created which do not appear upon the certificate ; or that any error, omission or mistake was made in entering a certificate or any memorandum thereon, or on any duplicate certificate ; or that the name of any person on the certificate has been changed ; or that the registered owner has been married, or if registered as married that the marriage has been terminated ; or that a corporation which owned registered land and has been dissolved has not conveyed the same within three years after its dissolution ; or upon any other reasonable ground ; and the court shall have jurisdiction to hear and determine the petition after notice to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper : *provided*, Proviso. *however*, that this section shall not be construed to give the court authority to open the original decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs or assigns, without his or their written consent.

Any petition filed under this section and all petitions and motions filed under the provisions of this act after original registration shall be filed and entitled in the original case in which the decree of registration was entered. Filing of petitions, etc.

SERVICE OF NOTICES AFTER REGISTRATION.

SECTION 109. All notices required by or given in pursuance of the provisions of this act by the recorder or any assistant recorder, after original registration, shall be sent by mail to the person to be notified at his residence and post office address as stated in the certificate of title, or in any registered instrument under which he claims an interest, in the office of the recorder or assistant recorder, relating to the parcel of land in question. Services of notices.

All notices and citations directed by special order of the court under the provisions of this act, after original registration, may be served in the manner above stated, and the certificate of the recorder shall be conclusive

Proviso.

proof of such service : *provided, however*, that the court may in any case order different or further service, by publication or otherwise.

FEES FOR REGISTRATION.

Fees.

SECTION 110. The fees payable under this act shall be as follows :

For every application to bring land under this act, including indexing and recording the same, and transmitting to recorder, when filed with assistant recorder, three dollars.

For every plan filed, seventy-five cents.

For indexing an instrument recorded while application for registration is pending, twenty-five cents.

For examining title, five dollars, and one tenth of one per cent. of the value of the land.

For each notice by mail, twenty-five cents, and the actual cost of printing.

For all services by a sheriff under this act, the same fees as are now provided by law for like services.

For each notice by publication, twenty-five cents, and the actual cost of publication.

For entry of order dismissing application, or decree of registration, and sending memorandum to assistant recorder, one dollar.

For copy of decree of registration, one dollar.

For entry of original certificate of title and issuing one duplicate certificate, three dollars.

For making and entering a new certificate of title including issue of one duplicate certificate, one dollar.

For each additional duplicate certificate, after the first, fifty cents.

For the registration of every instrument, whether single or in duplicate or triplicate, including entering, indexing and filing same and attesting registration thereof, and also making and attesting copy of memorandum on one instrument or on a duplicate certificate when required, one dollar and fifty cents.

For making and attesting copy of memorandum on each additional instrument or duplicate certificate if required, fifty cents.

For filing and registering an adverse claim, three dollars.

For entering statement of change of residence or post-office address, including indorsing and attesting same on a duplicate certificate, twenty-five cents.

For entering any note in the entry book or in the registration book, twenty-five cents.

For the registration of a suggestion of death or notice of issue of a warrant in insolvency, twenty-five cents.

For the registration of a discharge or release of mortgage or other instrument creating an encumbrance, fifty cents.

For the registration of a memorandum or certificate of entry for possession or deposition in proof thereof, fifty cents.

For the registration of any levy, or of any discharge or dissolution of any attachment or levy, or of any certificate of or receipt for payment of taxes, or of any mechanic's lien or lien for labor or materials, or notice of any pending action or of a judgment or decree, fifty cents.

For indorsing on any mortgage, lease or other instrument a memorandum of partition, one dollar.

For every petition filed under this act after original registration, one dollar.

For a certified copy of any decree or registered instrument, the same fees as are provided by law for registers of deeds.

In all cases not expressly provided for by law the fees of all public officers for any official duty or service under this act shall be at the same rate as those prescribed herein for like services.

PENALTIES.

SECTION 111. Certificates of title and duplicate certificates issued under this act shall be subjects of larceny.

Certificates of title, etc., to be subjects of larceny.

SECTION 112. Whoever knowingly swears falsely to any statement required to be made under oath by this act shall be guilty of perjury, and liable to the statutory penalties for perjury.

Person swearing falsely guilty of perjury.

SECTION 113. A certificate of title, duplicate certificate of title, certificate issued in place of a duplicate certificate, the registration book, entry book, and all indexes provided for by this act, and the docket of the recorder, shall be treated as if specifically described and enumerated in section one of chapter two hundred and

Punishment for illegal acts.

four of the Public Statutes, and the various acts therein described, when done in reference to the records or instruments hereinbefore mentioned, shall be punished as provided in said section and chapter.

Penalty for
forging seal.

SECTION 114. Whoever forges or procures to be forged, or assists in forging, the seal of the court of registration, or stamps or procures to be stamped, or assists in stamping, any document with such forged seal, or with the genuine seal of the court of registration without being duly authorized thereto, shall be punished by imprisonment in the state prison not exceeding ten years or in the jail not exceeding two years.

Penalty for
conveying cer-
tain registered
land.

SECTION 115. Whoever, with intent to defraud, sells and conveys registered land knowing that an undischarged attachment or any other encumbrance exists thereon which is not noted by memorandum on the duplicate certificate of title, without informing the grantee of such attachment or other encumbrance before the consideration is paid, shall be punished by imprisonment in the state prison not exceeding three years, or in the jail not exceeding one year.

When to take
effect.

SECTION 116. This act shall take effect upon the first day of October in the year eighteen hundred and ninety-eight.

Approved June 23, 1898.

Chap. 563 AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet certain charitable expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-eight.

State paupers
and ship-
wrecked
seamen.

For temporary aid for state paupers and shipwrecked seamen by cities and towns for the present and previous years, a sum not exceeding ten thousand dollars, the same to be in addition to the forty thousand dollars appropriated by chapter one hundred and nineteen of the acts of the present year.

Maintenance of
indigent and
neglected
children.

For the care and maintenance of indigent and neglected children and juvenile offenders, to include expenses in connection with the same, a sum not exceeding five

thousand dollars, the same to be in addition to the one hundred thousand dollars appropriated by chapter one hundred and nineteen of the acts of the present year.

For salaries and expenses in the division of state adult poor, a sum not exceeding seventeen thousand five hundred and fifty dollars. State adult poor.

For salaries and expenses in the division of state minor wards, a sum not exceeding fifteen thousand nine hundred and fifty dollars. Minor wards.

SECTION 2. So much of chapter one hundred and nineteen of the acts of the present year as provides for salaries and expenses in the department of the indoor poor and salaries and expenses in the department of the outdoor poor is hereby repealed. Repeal.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and ninety-eight. To take effect July 1, 1898.

Approved June 23, 1898.

AN ACT RELATIVE TO THE COMPENSATION TO BE PAID BY THE COMMONWEALTH FOR WATER FURNISHED TO THE DANVERS LUNATIC HOSPITAL. Chap. 564

Be it enacted, etc., as follows:

SECTION 1. If the town of Danvers and the trustees of the Danvers lunatic hospital fail to agree as to the amount of compensation to be paid by the Commonwealth for water supplied by said town to said hospital, pursuant to the articles of agreement made and concluded on the twenty-third day of June in the year eighteen hundred and seventy-six, by and between the Commonwealth, acting through the agency of the commissioners appointed under the authority of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-three, and the town of Danvers, acting through the agency of the commissioners of said town, chosen under the authority of chapter one hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, then the supreme judicial court sitting in equity shall, upon application of the selectmen of said town or the trustees of said hospital, appoint three commissioners who shall not be residents of said town, and who shall, after due notice and hearing, determine the sum to be paid for such water each year from the first day of December in the year eighteen hundred and ninety-six to the first day Compensation for water furnished to the Danvers lunatic hospital.

of December in the year eighteen hundred and ninety-nine. The award of said commissioners or a majority thereof shall be returned into said court on or before the fifteenth day of December of the current year, and when accepted by said court shall be final and conclusive for such term of years.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1898.

Chap. 565 AN ACT RELATIVE TO THE LIABILITY OF PERSONS AND CORPORATIONS FOR NEGLIGENCE RESULTING IN THE DEATH OF PERSONS NOT IN THEIR EMPLOY.

Be it enacted, etc., as follows:

Liability of persons and corporations for negligence, etc.

If, by reason of the negligence or carelessness of any person or corporation, or of the gross negligence or carelessness of any servant or agent of any person or corporation while engaged in the business of such person or corporation, the life of a person who is exercising due diligence and who is not in the employ or service of such person or corporation is hereafter lost, such person or corporation shall be liable in damages not exceeding five thousand dollars nor less than five hundred dollars, to be assessed with reference to the degree of culpability of such person or corporation, or of the servants or agents of such person or corporation, and to be recovered in an action of tort commenced within one year from the injury which caused death, by the executor or administrator of the deceased person, for the use of the widow and children of the deceased in equal moieties; or if there are no children, to the use of the widow; or if there is no widow, to the use of the next of kin.

Approved June 23, 1898.

Chap. 566 AN ACT RELATIVE TO THE LOCATION, LAYING OUT AND CONSTRUCTION OF HIGHWAYS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1891, 323, § 17, etc., amended.

SECTION 1. Section seventeen of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one, as amended by section ten of chapter four hundred and eighteen of the acts of the year eighteen hundred and ninety-two, and by section three of chapter two hundred and thirty-seven of the acts of the year eighteen hundred and ninety-six, is hereby

amended by striking out the whole of said section and inserting in place thereof the following:— *Section 17.* Said board of assessors may in their discretion apportion so much as remains unpaid of said assessable cost and the interest thereon for which any parcel aforesaid is liable, to sub-divisions of such parcel in proportion to their areas, and include the several apportionments in the annual tax bills issued for the taxes on the respective sub-divisions, and every such apportionment shall be a lien on the sub-division, and be abated, collected and paid into the city treasury as a part of, and in the same manner as, the other city taxes on such sub-division. The owner of any such parcel or sub-division may at any time pay to said city so much as remains unpaid of said assessable cost and the interest thereon for which his parcel or sub-division is liable, and the same shall then be relieved from further lien or liability for such cost. Said board of assessors may issue a tax bill for such apportionment for any sub-division for which no tax bill would otherwise be issued.

Apportionment of expense of construction of highways in the city of Boston.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1898.

AN ACT TO LIMIT THE CONNECTION BETWEEN SAVINGS BANKS AND OTHER BANKS AND NATIONAL BANKING ASSOCIATIONS.

Chap. 567

Be it enacted, etc., as follows:

SECTION 1. No savings bank or institution for savings hereafter incorporated shall occupy the same room with any bank or national banking association, unless such savings bank or institution for savings shall have first filed with the board of commissioners of savings banks an agreement signed by the president and the cashier or treasurer of such bank or national banking association, in accordance with a vote duly passed by the board of directors or trustees of such bank or national banking association, that it and they will permit and facilitate an examination of the books, accounts, vouchers, cash, securities and other property of such bank or banking association by the board of commissioners of savings banks, or by a person or persons duly appointed by said board, at such times and to such extent as may be deemed necessary or expedient by said board to determine the condition of the savings bank. The expense of such

Connection between savings banks and national banking associations, etc.

examination shall be fixed by said board of commissioners of savings banks and shall be paid by the bank or national banking association so examined. A duly certified copy of said vote shall be furnished at the same time with said agreement, and the agreement shall continue in force so long as such savings bank or institution for savings shall occupy the same room with such other bank or national banking association, or shall keep any of its money or securities in the same vault with such other bank or national banking association.

Savings bank commissioners may close up the business of certain savings banks unless, etc.

SECTION 2. If any savings bank or institution for savings which transacts its business within the same enclosure with any other bank or banking association at the time of the passage of this act shall not, on or before the first day of July in the year eighteen hundred and ninety-nine, have moved into a separate banking room, or have filed with the board of commissioners of savings banks such an agreement as is provided for in section one of this act in regard to savings banks hereafter incorporated, and executed in accordance with a vote of the board of directors or trustees of the institution occupying the same room with it, a certified copy of which vote is to be filed at the same time with said agreement, the board of commissioners of savings banks is hereby authorized and directed to proceed to close up the business of such savings bank or institution for savings, in the same manner as though such savings bank or institution for savings was insolvent. Said agreement shall continue in force so long as such savings bank or institution for savings continues to transact its business within the same enclosure with such other bank or banking association.

Savings banks not to transact business over the same counter used by a national bank.
Proviso.

SECTION 3. No savings bank or institution for savings shall transact its business over the same counter or occupy in common the same safes or vaults with any bank, national banking association or trust company: *provided, however*, that nothing herein contained shall be construed to prohibit a savings bank or institution for savings from occupying within such vault a safe or compartment over which it has exclusive control, or from transacting business over a part of the same counter which is separated by a suitable partition or lattice work from the part of the counter used exclusively by such other bank, banking association or trust company.

SECTION 4. When a savings bank or institution for savings transacts its business within the same enclosure with a bank or banking association a committee of not less than three shall be chosen by the trustees of such savings bank or institution for savings from their own number, which committee shall at least once in every six months examine into the condition of such savings bank at the same time that a similar examination is made of the condition of such national bank or banking association by the directors thereof, or by any other person or persons appointed by them.

Committee to be chosen to examine into the condition of certain savings banks.

SECTION 5. Whenever a savings bank or institution for savings transacts its business within the same enclosure with a national bank, or whenever such banks have the same president, treasurer or cashier, then the treasurer, tellers and clerks of the savings bank or institution for savings shall give a bond of some company authorized to transact fidelity insurance or corporate suretyship in this Commonwealth, in a form and for a sum to be approved by the board of commissioners of savings banks.

Bond to be given by savings banks in certain cases.

Approved June 23, 1898.

AN ACT TO INCORPORATE THE CALEB'S POND COMPANY.

Be it enacted, etc., as follows:

Chap. 568

SECTION 1. Charles E. White, Arthur B. Mudge and Jason L. Dexter, their associates and successors, are hereby made a corporation by the name of the Caleb's Pond Company, in Edgartown, in the county of Dukes County, for the purpose of creating a herring and perch fishery, or for the propagation of any kind of salt water fish; and they are empowered to close the present outlet of said pond and make a new one through the land of the company. The profits of the fishery so created shall belong to the company; but all persons may take fish with hook and line, or spear eels from said pond. And for this purpose the company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in chapter one hundred and five of the Public Statutes.

Caleb's Pond Company incorporated.

SECTION 2. If any person, without permission of the company, takes any fish from said pond, except as provided in this act, he shall be subject to a fine not exceeding fifty dollars, to be sued for in any court of competent jurisdiction, and said fine shall belong to the company.

Fish not to be taken without permission.

Members of the corporation.

SECTION 3. All persons who are now owners of land adjoining said pond or outlet may become members of said corporation, provided they shall signify to the company their intention to become members within sixty days from the organization of the company; and the company shall give public notice of its organization by publishing the same at least sixty days in the Vineyard Gazette.

Shareholders of corporation.

SECTION 4. The present owners of the land adjoining the said pond or outlet, who shall determine to become members of the corporation, shall each be entitled to one share.

Rights of persons and corporation not to be infringed upon.

SECTION 5. In making or closing any outlet of said pond the company shall not infringe upon the rights of any person or corporation. *Approved June 23, 1898.*

Chap.569

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PENSION THE WIDOW OF JAMES M. ELLIS.

Be it enacted, etc., as follows:

Widow of James M. Ellis.

SECTION 1. The city of Boston is hereby authorized to pay to the widow of James M. Ellis late a foreman in the street department of said city, murdered in the discharge of his duty, the same sum of money, by way of pension or otherwise, which said city is now authorized to pay to the widow of a member of the fire department of said city killed in the discharge of his duty.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1898.

Chap.570

AN ACT RELATIVE TO LIABILITIES INCURRED AND EXPENDITURES AUTHORIZED BY CITIES AND TOWNS FOR THE BENEFIT OF SOLDIERS AND SAILORS IN THE PRESENT WAR WITH SPAIN.

Be it enacted, etc., as follows:

1898, 529, § 1, amended.

SECTION 1. Section one of chapter five hundred and twenty-nine of the acts of the year eighteen hundred and ninety-eight is hereby amended by inserting after the word "made", in the first line, the words:—or liability or obligation already incurred or expenditure already authorized or agreed upon,—by inserting after the word "city", in the first line, the words:—or the mayor and aldermen thereof,—and by inserting after the word "town", in the second line, the words:—or the selectmen thereof,—so as to read as follows:—

Section 1. Any appropriation already made, or liability or obligation already incurred or expenditure already authorized or agreed upon, by any city, or the mayor and aldermen thereof, or by any town, or the selectmen thereof, for the benefit of persons entering the military and naval service of the United States or of this Commonwealth in the present war with Spain, or for the benefit of the families of such persons, is hereby legalized and confirmed.

Appropriations by cities and towns for benefit of soldiers, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1898.

AN ACT TO PREVENT OVER-INSURANCE.

Chap.571

Be it enacted, etc., as follows:

SECTION 1. When buildings insured against loss by fire, and situated within this Commonwealth, are totally destroyed by fire, the company shall not be liable beyond the actual value of the insured property at the time of the loss or damage; and if it shall appear that the insured has paid premiums on a sum in excess of said actual value the assured shall be reimbursed the proportionate excess of premiums paid on the difference between the amount named in the policy and the ascertained value, with interest at six per cent. per annum from the date of issue; and said excess of premiums and interest thereon shall be allowed the insured from the time any company or companies carrying said insurance at the time of the loss have continuously carried the insurance on the destroyed building or buildings, whether under policies existing at the time of the loss or under previous policies in the same company or companies.

Companies insuring against loss by fire not liable beyond actual value of property insured, etc.

SECTION 2. This act shall take effect on the first day of October in the year eighteen hundred and ninety-eight.

When to take effect.

Approved June 23, 1898.

AN ACT TO ESTABLISH THE SALARIES OF THE HARBOR AND LAND COMMISSIONERS.

Chap.572

Be it enacted, etc., as follows:

SECTION 1. The salaries of the members of the board of harbor and land commissioners shall be thirty-three hundred dollars a year for the chairman and twenty-seven hundred dollars a year for each of the other commis-

Salaries of harbor and land commissioners.

sioners, to be so allowed from the first day of January in the year eighteen hundred and ninety-eight.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1898.

Chap.573 AN ACT RELATIVE TO THE CONSTRUCTION OF A BRIDGE ACROSS THE CONNECTICUT RIVER IN THE TOWN OF NORTHFIELD.

Be it enacted, etc., as follows :

1897, 497, § 2,
amended.

Contract for
construction of
bridge across
the Connecticut
river, etc.

SECTION 1. Section two of chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-seven is hereby amended by striking out in the twelfth and thirteenth lines, the word "thirty-five", and inserting in place thereof the word: — forty, — so as to read as follows: — *Section 2.* No contracts shall be made for the construction of said bridge until plans, together with detailed estimates of cost from reliable parties, who are willing and prepared to furnish bonds with satisfactory sureties for the actual performance of the work and the furnishing of the materials for the amounts specified in said estimates, have been submitted to the county commissioners and approved by them. Such approval shall not be given to any plans and estimates so submitted until said county commissioners are fully satisfied that the cost of said bridge, together with the cost of the abutments and approaches of said bridge, will not exceed the sum of forty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1898.

Chap.574 AN ACT RELATIVE TO SPECIAL COMMISSIONERS.

Be it enacted, etc., as follows :

Term of office
of special com-
missioners.

SECTION 1. The term of office of special commissioners hereafter appointed under the provisions of chapter two hundred and fifty-two of the acts of the year eighteen hundred and eighty-three, chapter one hundred and ninety-seven of the acts of the year eighteen hundred and eighty-nine, and chapter four hundred and seventy-six of the acts of the year eighteen hundred and ninety-six, shall be seven years. The commission of every special commissioner heretofore appointed under the provisions of any one of said acts shall terminate at the expiration of seven years from the passage of this act.

SECTION 2. Every person hereafter appointed to the office of special commissioner shall, before the delivery of the commission, pay to the secretary of the Commonwealth a fee of five dollars.

Fee to be paid
for commission.

SECTION 3. This act shall take effect upon its passage.

Approved June 23, 1898.

AN ACT TO PROVIDE FOR THE COMPLETION OF THE MASSACHUSETTS HOSPITAL FOR CONSUMPTIVES AND TUBERCULAR PATIENTS.

Chap. 575

Be it enacted, etc., as follows:

SECTION 1. To provide for the completion of the Massachusetts hospital for consumptives and tubercular patients, authorized by chapter five hundred and three of the acts of the year eighteen hundred and ninety-five, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding twenty-two thousand five hundred dollars, for a term not exceeding thirty years, the same to be in addition to any amount previously authorized. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annually on the first days of May and November in each year. Such scrip or certificates of indebtedness shall be designated on the face thereof as the Hospital for Consumptives Loan, shall be countersigned by the governor, shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest shall be paid at the times specified therein in gold coin of the United States or its equivalent; and said scrip or certificates of indebtedness shall be sold and disposed of at public auction, or in such other mode, and at such times and prices, and in such amounts, and shall bear such rates of interest, not exceeding the amount above-specified, as shall be deemed for the best interest of the Commonwealth. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prison and Hospital Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act, and the treasurer and receiver general shall apportion thereto

Completion of
Massachusetts
hospital for
consumptives,
etc.

Hospital for
Consumptives
Loan.

Sinking fund.

from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Appropriation
not to be used
for a certain
purpose.

SECTION 2. No part of this appropriation shall be used for the payment of the expense of building an observatory already built on a water tower building of the town of Rutland.

Expenditure of
appropriation.

SECTION 3. Said appropriation shall be expended under the direction of the board of trustees of the Massachusetts hospital for consumptives and tubercular patients, for the following purposes, to wit: — For an electric lighting plant, five thousand dollars; for furnishing the building, eight thousand dollars; for completing the grading and for other work on the grounds, five hundred dollars; for building an ice house, five hundred dollars; for fencing the filter beds, one hundred and fifty dollars; for new gutters for the building, one thousand three hundred dollars; and for existing liabilities in excess of appropriations, seven thousand dollars.

SECTION 4. This act shall take effect upon its passage.

Approved June 23, 1898.

Chap. 576 AN ACT RELATIVE TO TRADING STAMPS, COUPONS AND OTHER DEVICES.

Be it enacted, etc., as follows:

Trading
stamps, cou-
pons, etc.

The provisions of chapter two hundred and seventy-seven of the acts of the year eighteen hundred and eighty-four shall apply to the giving of any stamp, coupon or other device which entitles a purchaser to demand or receive from any person or company other than the merchant dealing in the goods purchased or the manufacturer thereof, any other property than that actually sold or exchanged; and also to the delivery by any person or company other than the merchant dealing in the goods purchased or the manufacturer thereof, of any goods, wares or merchandise upon the presentation of such stamp, coupon or other device.

Approved June 23, 1898.

AN ACT RELATIVE TO SMALL LOANS AND THE REDEMPTION OF THE SECURITY THEREFOR. *Chap. 577*

Be it enacted, etc., as follows:

SECTION 1. No person, corporation or copartnership engaged in the business of making loans shall make any loan secured by mortgage or pledge of household furniture or other personal property exempt from attachment, or by assignment of wages for personal service, for less than two hundred dollars and at a rate of interest greater than twelve per cent., without first having obtained a license for carrying on such business in the city or town in which such business is transacted. Such licenses may be granted by the board of police of the city of Boston in and for said city, by the mayor and aldermen of any other city in and for such city, and by the selectmen of any town in and for such town.

Small loans,
etc.

SECTION 2. No such license shall be granted until the applicant or applicants therefor shall file with the board authorized to grant the same a statement verified by oath, which in case of a corporation may be the oath of the president thereof or the agent thereof in charge of such business, setting forth the place in the city or town where the business is to be carried on, the name or names, and the private and business address or addresses of the applicant or applicants, and, in case of a corporation, the state under the laws of which it is organized, and the name or names and private address or addresses of the clerk or secretary and the agent or other officer having charge of its proposed business, nor until the applicant or applicants shall, unless excused by the board authorized to grant the license, file with said board a power of attorney appointing some person satisfactory to the board to be his, their or its attorney, upon whom all lawful processes may be served in any action or proceeding arising under this act, with the same effect as if served upon such applicant or applicants appointing such attorney. If any change occurs in the name or address of any licensee, or of the clerk, secretary or agent aforesaid of any licensed corporation, or in the place where the licensed business is carried on, or in the membership of any copartnership licensed, a true and full statement of such change, sworn to in the manner required above in the case of the original statement, shall forthwith be

Sworn statement to be filed by applicant for license, etc.

Notice to be given of change in name or address of licensee, etc.

filed with the board granting the license. The board of officers granting any such license shall have full power to revoke the same for cause at any time after hearing.

Bond to be
given.

SECTION 3. No license shall be issued unless or until the licensee or licensees named therein shall file with the treasurer of the city or town in which the business is to be carried on, a bond in a penal sum to be fixed by the licensing board, executed to said treasurer by said licensee or licensees, and by a surety or sureties, to be approved by the licensing board, which bond shall be conditioned for the faithful performance by the licensee or licensees, of the duties and obligations pertaining to the business so licensed, and the prompt payment of any final judgment recovered against the licensee or licensees, or for the payment of which any individual of the licensees may be legally bound under or by virtue of this act: *provided, however*, that no suit at law or in equity shall be commenced or prosecuted against said sureties or either of them on any such bond until after thirty days from the time final judgment* shall have been rendered against said licensee or licensees; but in any case at law or in equity under the provisions of this act against the licensee or licensees, when it shall be made to appear that the plaintiff is entitled to judgment or decree except for proceedings in bankruptcy or insolvency, or the discharge therein, of the licensee or licensees, the court may at any time, on motion, enter a special judgment or decree for the plaintiff for the amount of his debt, damages and costs, or for such other relief as he may be entitled to, and such bond shall be conditioned for the payment of such special judgment and compliance with such decree. Any person or persons aggrieved by a breach of the condition of such bond may sue and recover judgment upon such bond at his or their own expense and in his or their own behalf, but in the name of the obligee; and if any judgment for the defendant or defendants, for costs, shall be entered, execution therefor shall issue against the person or persons for whose benefit the suit is brought, as if he or they were the plaintiff or plaintiffs of record, but not against the obligee. In such suit like proceedings shall be had as in a suit by a creditor on an administration bond. The board issuing the license may at any time require the licensee or licensees to file one or more additional bonds of like nature and with

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like effect, and to give full information as to all judgments recovered on, or suits pending on, his or their bonds, at any time. On failure to file any such bond required the license shall be revoked.

SECTION 4. In the case of any loan to which the provisions of this act apply, a sum not exceeding two dollars if the loan does not exceed twenty-five dollars, not exceeding ten dollars if the loan exceeds one hundred dollars, not exceeding three dollars if the loan exceeds twenty-five dollars but does not exceed fifty dollars, and not exceeding five dollars if the loan exceeds fifty dollars but does not exceed one hundred dollars, may, if both parties to the loan so agree, be paid by the borrower or borrowers or added to the debt, and taken by the lender as the expense of making and securing the loan, and such sum shall not be counted as part of the interest of such loan. No greater sum than as above-specified shall be taken for such purpose, and any sum paid, promised or taken in excess of such sum shall be deemed to be taken as interest and shall be so considered for the purposes of this act.

Limit in amount to be paid on account of loan, etc.

SECTION 5. The board of officers granting licenses in any city or town as provided in this act shall from time to time establish such rules and regulations with reference to the business carried on by the parties so licensed and the rate of interest to be charged by them as shall seem to said board to be necessary and proper. Said board in fixing said rate shall have due regard to the amount of the loan and the time for which it is made; and no person or party so licensed shall hereafter charge or receive upon any loan a greater rate of interest than that fixed by the board by which his license was issued.

Rules and regulations.

SECTION 6. When any greater rate of interest or amount for expenses than is allowed under the provisions of this act has been paid upon any loan to which the provisions of this act apply the party paying the same may either by an action of contract or suit in equity recover back the amount of the unlawful interest with twice the legal costs, and no more, provided that the action or suit for the recovery of unlawful interest or expenses shall be brought within two years from the time of payment.

Unlawful amount of interest collected may be recovered back.

SECTION 7. In case any loan to which the provisions of this act apply is secured by mortgage or pledge of

Mortgage or pledge discharged upon

payment or
tender of sum
due, etc.

personal property or by an assignment of wages the mortgage shall be discharged, the pledge restored, or the assignment released, upon payment or tender of the sum legally due under the provisions of this act, and such payment or tender may be made by the debtor, by any person duly authorized by him, or by any person having an interest in the property mortgaged or pledged or in the wages assigned. Whoever refuses or neglects, after request, to discharge a mortgage, release an assignment, or restore a pledge to the party entitled to receive the same, after payment of the debt secured thereby or the tender of the amount due thereon as aforesaid, shall be liable in an action of tort to the borrower or borrowers for all damages thereby resulting to him or them.

Mortgage or
pledge not valid
unless it states
amount of
loan, etc.

SECTION 8. No mortgage or pledge of personal property or assignment of wages to which the provisions of this act apply shall be valid unless it states, with substantial accuracy, the actual amount of the loan, the time for which the loan is made, the rate of interest to be paid, and the expense for making and securing the loan; nor unless it contains a provision that the debtor shall be notified, in the manner provided in section seven of chapter one hundred and ninety-two of the Public Statutes, of the time and place of any sale to be made in foreclosure proceedings at least seven days before such sale. And no notice of intention to foreclose under sections seven or ten of said chapter shall be valid in such case, unless it expressly states where such notice is to be recorded and that the right of redemption will be foreclosed sixty days after such recording. At any time after twenty days from the date of any such mortgage if the same has not been recorded the holder thereof shall forthwith on demand and payment or tender of one dollar, give to the mortgagor, or any person interested in the mortgaged property, a copy of the mortgage and note or obligation secured thereby, which such holder or holders shall certify to be a true copy thereof.

Copy of mort-
gage to be fur-
nished on
demand, etc.

Receipt to be
given for pay-
ment on
account.

SECTION 9. Whenever any payment is made on account of any loan to which the provisions of this act apply the person receiving the payment or his principal shall, when the payment is taken, give the person paying, a receipt setting forth the amount then paid and the amount previously paid, and identifying the loan, note, mortgage or assignment to which it is to be applied.

SECTION 10. Any person or persons not being duly licensed as provided in this act who, on his or their own account, or on account of any other person or persons, copartnership or corporation not so licensed, shall engage in or carry on, directly or indirectly, either separately or in connection with or as part of any other business, the business of making loans to which the provisions of this act apply, shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the house of correction not more than sixty days, or by both such fine and imprisonment.

Penalty for doing business without license.

SECTION 11. Chapter three hundred and eighty-eight of the acts of the year eighteen hundred and eighty-eight and chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety-two, shall not apply to any loan of less than two hundred dollars made by any person holding a license under this act, nor shall this act affect any right of action which has accrued under either of said acts prior to the passage of this act. Nothing in this act shall be construed to apply to licensed pawnbrokers, or to repeal or affect section thirty-four of chapter one hundred and two, or section six of chapter one hundred and ninety-two of the Public Statutes, chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-five, chapter one hundred and eighty-three of the acts of the year eighteen hundred and ninety-six, or so much of section three of chapter seventy-seven of the Public Statutes as provides that when there is no agreement for a different rate the interest of money shall be at the rate of six dollars upon each hundred dollars for a year.

Certain provisions of law not to apply, etc.

SECTION 12. This act shall take effect on the first day of September in the year eighteen hundred and ninety-eight.

When to take effect.

Approved June 23, 1898.

AN ACT RELATIVE TO STREET RAILWAYS.

Chap. 578

Be it enacted, etc., as follows:

SECTION 1. In the construction of this act, unless such meaning would be repugnant to the context, "street railways" and "railways" shall mean all railways, including tracks, poles, wires and other appliances and equipments connected therewith, which are constructed on, in, under or above the public highways or streets,

Certain terms defined.

and operated by any motive power other than steam, except such as are at the present time owned or operated by or leased to the Boston Elevated Railway Company. "Street railway companies" and "companies" shall mean all corporations, persons, partnerships or associations, constructing, maintaining or operating street railways, but shall not include said Boston Elevated Railway Company, or companies whose railways are at the present time leased or operated by said company. "Location" shall mean the grant to a street railway company by vote or order of a board of aldermen of a city or selectmen of a town, when duly accepted by such company, of the right to construct, maintain and operate a street railway in a public highway or street in such city or town. An "original location" of a company in any city or town shall mean the first location granted to it in such city or town.

Returns to contain statement of certain facts under oath.

SECTION 2. In the case of street railway companies the return to the tax commissioner under the provisions of section thirty-eight of chapter thirteen of the Public Statutes shall also contain a statement under the oath of the treasurer of every such company, giving the length of the track operated by it in each city and town in the Commonwealth on the thirtieth day of September next preceding the date of the return, which length shall be determined by measuring as single track the total length of all track operated by such company, including sidings and turn-outs, whether owned or leased by it, or over which it has trackage rights only; and said return shall also contain a statement under the oath of the treasurer of every such company showing the amount of the capital stock of the company and of the dividends paid thereon during the year ending on the thirtieth day of September last preceding, and during each and every year from the organization of the company.

Street railway companies paying dividends exceeding eight per cent. to pay a certain tax.

SECTION 3. Whenever an operating street railway company has paid during the year ending on the thirtieth day of September next preceding the date of the return referred to in section two of this act, dividends exceeding in the aggregate eight per cent. upon its capital stock, said company shall, for every such year, in addition to the tax upon its corporate franchise for which it is liable under the provisions of chapter thirteen of the Public Statutes, pay to the treasurer of the Commonwealth a tax equal to the amount of such excess: *provided, however,*

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that no company shall be liable to pay such additional tax which has not from the date when it commenced to operate its road paid dividends equivalent in the aggregate to at least six per cent. per annum upon its capital stock from year to year. Said tax shall be determined and paid in the manner provided in said chapter thirteen in relation to taxes upon the corporate franchises of street railways.

SECTION 4. Prior to the first day of November in each year the tax commissioner shall apportion the amount of the tax for which each street railway company is liable under the provisions of chapter thirteen of the Public Statutes, and under the provisions of section three of this act, among the several cities and towns in proportion to the length of tracks operated by such company in said cities and towns, respectively, subject to appeal to the board of appeal constituted by sections sixty-one and sixty-two of said chapter thirteen. The tax commissioner shall notify the treasurers of every such city and town of the share of said tax so apportioned to each city and town, and he shall also certify to the treasurer of the Commonwealth the shares thus apportioned as finally determined in case of appeal.

Tax commissioner to apportion amount of tax, etc.

SECTION 5. As soon as practicable after the receipt of said tax, and of the certificate of apportionment thereof by the tax commissioner, the treasurer of the Commonwealth shall credit and pay over to the treasurers of the several cities and towns the shares of said tax apportioned to them respectively as aforesaid.

Treasurer to pay to cities and towns their shares of amount of tax.

SECTION 6. Every street railway company shall on or before the fifteenth day of October in each year make and file in the office of the board of assessors of every city and town in which any portion of the railway operated by it is situated, a return signed and sworn to by its president and treasurer, stating the length of track operated by it in public ways in such city or town, and also the total length of track operated by it in public ways, determined as provided in section two of this act, and also the amount of its gross receipts during the year ending on the thirtieth day of September next preceding, which gross receipts shall include all amounts received by it from the operation of its railway, but shall not include income derived from sale of power, rental of tracks or other sources.

Return to be made to assessors of cities and towns.

Assessors to
assess an
excise tax.

SECTION 7. On or before the first day of November in each year the assessors of every city and town in which any street railways are operated shall assess on each company operating such railways therein, an excise tax of an amount equal to such proportion of the following percentages of the gross receipts of such company as the length of tracks operated by it in public ways of such city or town bears to the total length of tracks operated by it in public ways, to wit:—

Rate of excise
tax to be
assessed.

In case of companies whose annual gross receipts per mile of track operated are four thousand dollars or less, one per cent. of the total annual gross receipts; in case of companies whose annual gross receipts per mile of track operated are more than four thousand dollars and less than seven thousand dollars, two per cent. of the total annual gross receipts; in case of companies whose annual gross receipts per mile of track operated are more than seven thousand dollars and less than fourteen thousand dollars, two and one quarter per cent. of the total annual gross receipts; in case of companies whose annual gross receipts per mile of track operated are more than fourteen thousand dollars and less than twenty-one thousand dollars, two and one half per cent. of the total annual gross receipts; in case of companies whose annual gross receipts per mile of track operated are more than twenty-one thousand dollars and less than twenty-eight thousand dollars, two and three quarters per cent. of the total annual gross receipts; and in case of companies whose annual gross receipts per mile of track operated are twenty-eight thousand dollars or more, three per cent. of the total annual gross receipts. The excise tax provided by this section shall be in addition to the taxes now provided by law.

Cities and
towns may
petition board
of railroad
commissioners
for revision of
excise tax, etc.

SECTION 8. At any time after the end of three years from the first day of October in the year eighteen hundred and ninety-eight the selectmen of any town, or the aldermen of any city, or any street railway company operating in such town or city, may petition the board of railroad commissioners for a revision of the amount of the excise tax to be thereafter paid by said company under the preceding section; and said board shall thereupon proceed to investigate and determine, after public notice, and a hearing at which said selectmen or aldermen and said company may submit such evidence as may be per-

tinent, the average annual cost to said town or city of the work done by it during the preceding three years under the provisions of this act which by law it was not previously required to do, and also the average annual payments made by said company to said town or city under and pursuant to said section during said three years; and having ascertained and determined said average annual cost and average annual payments, said board shall thereupon determine and fix the proportion of the percentage of the gross receipts which shall be paid as an excise tax under said section by the company to said town or city annually thereafter, said proportion to be fixed at such a rate as will be necessary to yield to said town or city annually thereafter an amount equal to the average annual cost to said town or city of the work done by it during the preceding three years under the provisions of this act and which it was not by law previously required to do, as determined as aforesaid; and the proportion of the percentage so fixed shall not be again changed for the period of three years and not except in the manner herein provided. Said board may at any time upon petition therefor by any city or town entitled to any part of the excise tax paid by any street railway company, after such notice as the board may order to all other cities and towns entitled to share in the excise tax paid by said company, and after a hearing, determine as to the distribution thereof among the several cities and towns in which such company operated any part of its railway, and fix the proportions thereof to which they shall respectively be entitled, which shall thereafter be the proportions of said excise tax to be assessed upon said company under the provisions of this act, instead of the proportion based upon length of tracks as hereinbefore provided.

Cities and towns may petition board of railroad commissioners for revision of excise tax, etc.

SECTION 9. Prior to the fifteenth day of November in each year the assessors of every city and town shall notify the collector of taxes in such city or town of the amount of excise tax assessed therein on every street railway company under the provisions of section seven of this act, and the collector shall forthwith notify the treasurer of every such street railway of the amount of the excise tax so assessed on it. Said excise tax shall become due and payable to such city or town within thirty days from the receipt by such company of the notice of the amount of said excise tax.

Collectors of taxes to be notified of amount of excise tax.

Provisions to apply.

All the provisions of law relating to the collection of taxes on property taxed locally, so far as the same are applicable, shall apply to the excise tax assessed under said section seven.

Amounts paid to be applied to construction, etc., of public ways.

SECTION 10. All amounts paid to cities and towns under the provisions of sections five, nine and twenty-eight of this act shall be applied towards the construction, repair and maintenance of the public ways, and removal of snow therefrom, within such cities and towns.

Street railway companies not required to keep streets, etc., in repair, etc.

SECTION 11. Street railway companies shall not be required to keep any portion of the surface material of streets, roads and bridges in repair, but they shall remain subject to all legal obligations imposed in original grants of locations, and may, as an incident to their corporate franchise, and without being subject to the payment of any fee or other condition precedent, open any street, road or bridge in which any part of their railway is located, for the purpose of making repairs or renewals of the railway, or any part thereof, the superintendent of streets or other officer exercising like authority, or the board of aldermen or selectmen, in any city or town where such are required, issuing the necessary permits therefor. Whenever, during the original construction or subsequent alteration or extension, or the making of any such repairs or renewals, of any railway or any part thereof, said surface material is disturbed, the company owning or operating such railway shall, at its own cost, except as otherwise provided in this act, replace to the reasonable satisfaction of the superintendent of streets, or other officer exercising like authority, said surface material with the same form of construction as that disturbed, or, by first obtaining the approval thereof by such officer, with a different material and form of construction, and shall restore said street, road or bridge to as good condition as existed at the time of such disturbance. Every street railway company shall be liable for any loss or injury suffered by any person in the management and use of its tracks and during the construction, alteration, extension, repair or renewal of its railway, or while replacing the surface of any street disturbed as aforesaid, and resulting from the carelessness, neglect or misconduct of its agents or servants engaged in the prosecution of such work, provided that notice of such loss or injury is given to the company and an action

Liability of street railway company for loss or injury.

therefor commenced in the manner provided by section nineteen of chapter fifty-two of the Public Statutes and acts in amendment thereof. Nothing in this section shall be construed to affect, enlarge or diminish the rights, duties or liabilities of any street railway corporation for or concerning the construction or maintenance of any bridge or bridges, or parts thereof, which any private person or corporation is now bound or legally liable, or may hereafter become bound or legally liable, in whole or in part, to construct or maintain.

SECTION 12. Street railway companies shall clear snow from their tracks in such a manner as may be approved by the superintendent of streets, or by any other officer exercising like powers in the city or town in which such tracks are situated.

Tracks to be kept clear of snow, etc.

SECTION 13. The board of aldermen of a city or the selectmen of a town, upon the petition for an original location of tracks in such city or town by a majority of the directors of a company in process of organization under the provisions of sections two to six inclusive of chapter one hundred and thirteen of the Public Statutes, or by the board of directors of a corporation organized under said chapter or under a special act, shall give written notice to all parties interested of the time and place at which they will consider such petition, at least fourteen days before the meeting of such board or selectmen for considering said petition, by publication in one or more newspapers published in said city or town, and if none such is published then by publication in one or more newspapers published in the county in which said city or town is located; and after hearing, if in their opinion public convenience and necessity require, they shall grant said location or any portion thereof. In granting said location they may prescribe the manner in which said tracks shall be laid, and the kind of rails, poles, wires and other appliances which shall be used, and they may also impose such other terms, conditions and obligations in addition to those applying to all street railways under the general provisions of law, as the public interest may in their judgment require; and the location thus granted shall be deemed and taken to be the true location of the tracks of the railway, if an acceptance thereof in writing by said directors is filed with said board of aldermen or with said selectmen within

Notice to be given upon petition for original location, etc.

thirty days after receiving notice of the granting of the location.

Owners of real estate on line of location may file protest, etc.

If either the majority in value as determined by the last preceding assessment for taxation, or not less than ten in number, of those owning real estate abutting on any public way in which a location of a street railway has been granted shall, within fifteen days after the granting of such location, file a written protest with the board of railroad commissioners, such location shall not be valid so far as such way is concerned until approved by the board of railroad commissioners after public notice and a hearing. No company shall commence construction under an order of a board of aldermen or of selectmen granting a location as aforesaid, until the expiration of the time in which such protest may be filed with said board of railroad commissioners, nor, in case such protest is so filed, until said board of railroad commissioners has taken final action thereon approving the same.

Locations heretofore granted confirmed.

All locations heretofore granted or in use are hereby ratified and confirmed, as if accepted under the provisions of this section, and shall continue in force, subject only to revocation as provided in section seventeen, and to all provisions, restrictions, regulations or conditions, applying to all street railways under the general law as now in force except so far as changed or modified by this act.

Petition for location to connect different cities and towns, etc.

SECTION 14. Any street railway company whose petition for an original location, made necessary in order to connect two towns or cities or a city and town, has in whole or in part been granted or refused, or has been neither granted nor refused in such connecting town or city within three months after the filing thereof, may, at any time within thirty days of such grant or refusal of a location, or of the expiration of said three months, apply to the board of railroad commissioners for such location. If it shall appear at a hearing on said application, after such notice to the aldermen or selectmen and to all persons owning real estate abutting upon any way in which such location was asked for, by publication or otherwise, as said board may order, that the company has already been granted and has duly accepted locations for a street railway in two towns or cities, or a town and city, adjoining the city or town in which such location has been asked for, and that a location is necessary to connect such existing locations, said board may, if it finds that pub-

lic necessity and convenience so require, enter a decree granting a connecting location. In granting the location said board may prescribe the appliances and impose the conditions and obligations which are specified or referred to in section thirteen of this act relative to the granting of original locations. No company shall commence construction under an order of a board of aldermen or of selectmen granting a location as aforesaid until the expiration of the time in which such application may be made to the board of railroad commissioners, nor, in case such application is made, until final action thereon has been had.

Conditions, etc., may be imposed.

SECTION 15. The board of aldermen of a city or the selectmen of a town, upon the petition of fifty legal voters or the board of directors of a street railway company whose tracks are located in said city or town, and after notice and hearing as provided in section thirteen of this act, may grant a location for the extension of the tracks of such company and prescribe the manner in which said tracks shall be laid and the kind of rails, poles, wires and other appliances which shall be used; but they shall not impose as terms or conditions of such grant any obligations other than or in addition to those applying to all street railways under the general law in force at the date of the passage of this act, or such as may have been imposed in the original grant of location to such company in such city or town subsequent to the passage hereof. The provisions of section thirteen of this act as to acceptance, and as to protest of abutters and approval by the board of railroad commissioners, shall apply to grants of extensions under this section.

Location may be granted for extension of tracks, etc.

SECTION 16. The board of aldermen of a city or the selectmen of a town, upon the petition of the board of directors of a street railway company whose tracks are located in said city or town, or upon the petition of any interested party, after notice and hearing as provided in section thirteen of this act, may alter the location of tracks of said company in the manner and subject to the provisions contained in section fifteen of this act. Such alterations shall be made by the company within such time, and the expense thereof shall be borne by such party or parties, and in such proportions, as the board of aldermen or selectmen may determine.

Location of tracks may be changed.

SECTION 17. The board of aldermen of a city or the selectmen of a town, after the expiration of one year

Location may be revoked, etc.

from the opening for use of a street railway in their city or town, and after notice as provided in section thirteen of this act and a hearing, if the public necessity and convenience in the use of the streets require, may, for good and sufficient reasons to be stated in the order therefor, order that the location of any street railway in any highway or street shall be revoked; but no revocation of a location of a street railway shall be valid until approved by the board of railroad commissioners after public notice and hearing, unless the company consent thereto in writing within thirty days after such order of revocation. Upon revocation approved as aforesaid, the company shall remove the railway in conformity with the order of revocation, and shall put the portion of the surface of streets disturbed by such removal in as good condition as the adjacent surface of said streets. If the company neglects to execute such order after thirty days' notice of such approval thereof, the board of aldermen or selectmen may cause the same to be executed and the work done at the expense of the company, to be recovered in an action of tort.

Cars may be provided for special service and at special rates.

Free tickets or passes not to be given, except, etc.

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SECTION 18. Street railway companies may provide cars for special service and may make special rates therefor; and may make special rates for working men and working women on week days between the hours of five and seven in the morning and five and seven in the evening, and for children attending school. They shall not give free tickets or passes to any state, county or municipal official or to any person in the employ of the Commonwealth or of any county, city or town, except policemen, firemen, and letter carriers, in uniform: *provided, however*, that free tickets or passes may be given by any street railway company to any person who is actually connected with it as a director or in any executive capacity. The violation of the provisions of this section by a company may be alleged as a misdemeanor in any hearing under the provisions of section seventeen of this act, upon appeal from an order of a board of aldermen or of selectmen revoking the location of such company, and if the board hearing the same in its discretion so decides shall constitute valid and sufficient ground upon which to approve of the revocation of such location or any portion thereof.

When highway is widened for purpose of

SECTION 19. Whenever a street or highway in which there are no street railway tracks located is widened

under the provisions of chapter fifty-one of the Public Statutes, by an order declaring the widening to be rendered necessary for the public convenience for the purpose of granting a location of street railway tracks therein, as prayed for by a pending petition for such location, a proportionate share of the expense of such widening may be assessed upon a street railway company which has accepted a location in said street or highway so widened, provided the amount of such assessment, in addition to the amounts assessed on real estate, shall not exceed one half of the total cost of said widening.

locating tracks the street railway company may be assessed proportionate share of expense, etc.

SECTION 20. Whenever a street or highway in which the tracks of a street railway company have been located for a period of five years is altered, or the grade thereof changed, under the provisions of chapter fifty-one of the Public Statutes, said company shall pay such a proportionate share of the expense thereof, including as a part of such expense the necessary cost of changing its railway to conform to such alteration or change of grade, as may be assessed upon it, provided that no such assessment shall exceed the aggregate amount of all the betterments assessed upon real estate, and that no such assessment shall exceed one quarter of the total cost of such alteration or change of grade.

Company to pay proportionate share of expense of altering or changing grade of highway, etc.

SECTION 21. The provisions relating to notice, time of payment, interest, appeal by party aggrieved, and all other provisions of chapter fifty-one of the Public Statutes and of all laws relating to the assessment of betterments on real estate, so far as the same are applicable, shall apply to assessments made under the provisions of sections nineteen and twenty of this act. Said assessments shall be collected in the manner provided for the collection of taxes assessed locally.

Provisions of law to apply.

SECTION 22. A street railway company may issue capital stock to the amount which the board of railroad commissioners shall find to have been actually paid by, or to have become a legal liability of, such company under the provisions of sections fifteen, nineteen and twenty of this act.

Capital stock of street railway companies.

SECTION 23. The board of aldermen of a city, or the selectmen of a town, or fifty legal voters of a city or town in which a street railway is located, or a street railway company in any case when its fares have been revised under this section, may apply to the board of railroad commissioners, who, after due notice to the parties inter-

Revision and regulation of fares.

ested and a hearing, may revise and regulate the fares established by said company or by said board; but such fares shall not, without the consent of the company, be reduced below the average rate of fare charged for similar service by other street railway companies which, in the judgment of the board of railroad commissioners, are operated under substantially similar conditions. Said board in considering such petition shall take into account the effect upon the whole railway system of the company of any desired reduction. The report of the board shall be final and conclusive for one year.

Authority of
state highway
commission
over certain
highways, etc.

SECTION 24. Whenever a street, road, bridge or other public way in which a street railway location has been previously granted by the local authorities is laid out, taken charge of or constructed by or under authority of the state highway commission, said commission shall thereafter, so long as it has charge thereof, have and exercise with regard to the location and maintenance of street railways therein the same authority, in the same manner and subject to the same provisions, as is conferred by this act upon boards of aldermen and selectmen, such authority to be exercised in the same manner, subject to the same provisions, and subject to the same rights on the part of abutters and street railway companies, as are herein provided with respect to the relocation and maintenance of street railways in public ways not under the jurisdiction or charge of said commission.

Supervision of
courts.

SECTION 25. The supreme judicial court and the superior court shall have jurisdiction in equity to enforce the provisions of this act and to restrain the violation thereof, and to review the rulings of law of any state board or commission relative to street railways, and to annul, modify and amend the same as law and justice may require; and every such board shall keep a record of its proceedings in any matter considered by it under the authority of this act or of chapter one hundred and thirteen of the Public Statutes and of acts in amendment thereof, or other acts affecting street railways, in which it shall enter every request made by any party before it for a ruling of law and of its action upon such request, and the neglect to either grant or refuse such request shall be taken in any judicial review of such proceedings as a refusal.

Repeal.

SECTION 26. Sections fifty-seven and fifty-eight of chapter thirteen of the Public Statutes, so far as said sections relate to the distribution of taxes assessed and

collected upon the corporate franchise of street railway companies; section thirty-two of chapter one hundred and thirteen of the Public Statutes; so much of section twenty-seven of said chapter one hundred and thirteen as relates to the removal of snow and ice; sections seven, twenty-one, twenty-two, twenty-three, twenty-four, forty-four and forty-five of said chapter one hundred and thirteen; chapter five hundred and forty-one of the acts of the year eighteen hundred and ninety-six; and all other acts and parts of acts inconsistent herewith, are hereby repealed; subject to the exception contained in section twenty-eight.

SECTION 27. Section eight of chapter one hundred and thirteen of the Public Statutes is hereby amended by striking out the word "so", in the second line, and by inserting after the word "located", in the same line, the words: — in the manner provided by law, — so as to read as follows: — *Section 8.* When the track or tracks of the proposed company have been located in the manner provided by law, the corporation may be established, and the first meeting shall be called, under the conditions and in the manner provided for railroad corporations in sections forty-three, forty-four, and the first clause of section forty-five, of chapter one hundred and twelve, which provisions shall apply to street railway companies as far as applicable: *provided*, that so much of said section forty-four as requires any payment to be made to the treasurer in excess of ten per cent. of the capital stock or any bond or assurance, shall not apply to street railway companies.

P. S. 113, § 8,
amended.

Corporations,
how established
in certain
cases.

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SECTION 28. This act shall take effect on the first day of October in the year eighteen hundred and ninety-eight, except as to sections six and seven, and, as to those sections, this act shall take effect on the first day of October in the year eighteen hundred and ninety-nine, but for the term of twenty-five years from the tenth day of June in the year eighteen hundred and ninety-seven this act shall not apply to or affect the Boston Elevated Railway Company or any railways now owned, leased, or operated by it, or the opening, widening or paving, or the altering or changing of any grade, of any street or highway in which it operates such railway, nor shall it apply to snow in such street or highway, and the acts and parts of acts repealed by section twenty-six hereof shall continue during said term in full force so far as they relate thereto: *provided*, *however*, that the taxes now or hereafter imposed by gen-

When to take
effect, etc.

Proviso.

Provisos.

eral law consistently with the provisions of section ten of chapter five hundred of the acts of the year eighteen hundred and ninety-seven upon the Boston Elevated Railway Company, as therein provided, and the taxes or excises in fact imposed upon the West End Street Railway Company at the date of the passage of said act, except taxes locally assessed upon the real estate and machinery of said corporations consistently with said section, shall be paid and distributed as the compensation tax imposed by said section ten upon said elevated railway company is paid and distributed; and *provided, further*, that the return by the Boston Elevated Railway Company to the tax commissioner under the provisions of section thirty-eight of chapter thirteen of the Public Statutes shall also contain a statement under the oath of the treasurer of said company giving the length of the track operated by it in each city and town in the Commonwealth on the thirtieth day of September next preceding the date of the return, which length shall be determined by measuring as single track the total length of all track operated by said company, including sidings and turn-outs, and specifying the length of such track in each city and town which is owned by it, and the length of such track operated by or leased to it in each city or town which is owned by any other company, with the name of the company and the length of track in each city or town owned by every such company, and *provided, further*, that, prior to the first day of November in each year, the tax commissioner shall apportion the amount of the tax for which the Boston Elevated Railway Company and any other street railway company whose railways are now owned, leased or operated by it, are liable under the provisions of chapter thirteen of the Public Statutes, among the several cities and towns, in proportion to the length of tracks owned by said Boston Elevated Railway Company and by each of said other street railway companies in said cities and towns respectively, subject to appeal to the board of appeal constituted by sections sixty-one and sixty-two of said chapter thirteen. The tax commissioner shall notify the treasurers of every such city and town of the share of said tax so apportioned to each city and town, and he shall also certify to the treasurer of the Commonwealth the shares thus apportioned as finally determined in case of appeal.

Approved June 23, 1898.

AN ACT IN ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW. *Chap. 579*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit: —

For the salary of the assistant register of probate and insolvency for the county of Middlesex, as authorized by chapter five hundred and twenty of the acts of the present year, the sum of four hundred sixteen dollars and sixty-seven cents, the same to be in addition to the two thousand dollars appropriated by chapter sixteen of the acts of the present year.

Assistant register of probate, etc., county of Middlesex, salary.

For additional assistance in the office of the auditor of the Commonwealth, as authorized by chapter five hundred and twenty-one of the acts of the present year, a sum not exceeding five hundred dollars, the same to be in addition to the twenty-five hundred dollars authorized by chapter seventy-eight of the acts of the present year.

Additional assistance in the office of the auditor.

For the payment of bounties to Massachusetts volunteers, as authorized by chapter five hundred and twenty-five of the acts of the present year, a sum not exceeding fifty thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Bounties to Massachusetts volunteers.

For the salaries and expenses of the Massachusetts state highway commission, the same to include clerk hire, engineers and expenses incidental and necessary for the performance of their duties, from and after the fourteenth day of June in the present year, as provided for by chapter five hundred and twenty-eight of the acts of the present year, a sum not exceeding fourteen thousand three hundred dollars.

Massachusetts highway commission.

For the erection and equipment of a veterinary laboratory and for sundry other improvements at the Massachusetts Agricultural College, as authorized by chapter one hundred and nine of the resolves of the present year, a sum not exceeding twenty-eight thousand dollars.

Massachusetts Agricultural College.

For building an addition to the state normal art school building in the city of Boston, as authorized by chapter

State normal art school.

one hundred and ten of the resolves of the present year, a sum not exceeding thirty-five thousand dollars.

Chief of the district police.

For certain expenses to be incurred by the chief of the district police in enforcing the laws relative to inland fisheries and game, as authorized by chapter one hundred and eleven of the resolves of the present year, a sum not exceeding five thousand dollars.

Bradford's History of Plymouth Plantation.

For printing additional copies of Bradford's History of the Plymouth Plantation, as authorized by chapter one hundred and twelve of the resolves of the present year, a sum not exceeding two thousand dollars.

Monument on Dorchester Heights.

For the erection of a monument on Dorchester Heights, as authorized by chapter one hundred and thirteen of the resolves of the present year, a sum not exceeding twenty-five thousand dollars.

Woman's Charity Club.

For the Woman's Charity Club, as authorized by chapter one hundred and fourteen of the resolves of the present year, the sum of fifteen thousand dollars.

Greylock state reservation.

For expenses in connection with establishing the Greylock state reservation in the county of Berkshire, as authorized by chapter five hundred and forty-three of the acts of the present year, the sum of twenty-five thousand dollars.

War records in office of the adjutant-general.

For preserving war records in the office of the adjutant-general, as authorized by chapter one hundred and fifteen of the resolves of the present year, a sum not exceeding one thousand dollars.

David B. Shaw, senator, second Suffolk district.

For compensation for travel and attendance of David B. Shaw, senator from the second Suffolk district, as authorized by chapter one hundred and sixteen of the resolves of the present year, the sum of seven hundred and sixty dollars.

Treasurer and receiver general, clerical expenses.

For clerical services and such other necessary expenses as the treasurer and receiver general may find necessary to enable him to carry out the provisions of sections one and two of chapter five hundred and sixty-one of the acts of the present year, a sum not exceeding twenty-five hundred dollars.

Purchase of steamer for hospital purposes.

For the purchase of a steamer by the governor for hospital purposes, as authorized by chapter one hundred and seventeen of the resolves of the present year, a sum not exceeding fifty thousand dollars, to be paid out of the Massachusetts War Loan Fund.

Judges of registration, etc., salaries.

For the salary of the judge of registration, the sum of eleven hundred and twenty-five dollars; for the salary

of the assistant judge of registration, the sum of one thousand dollars; for the salaries of the recorder, assistant recorders, examiners of titles, and all other expenses of registering and confirming titles to land, a sum not exceeding five thousand dollars, all of which is authorized by chapter five hundred and sixty-two of the acts of the present year.

For the salaries of the harbor and land commissioners, as authorized by chapter five hundred and seventy-two of the acts of the present year, the sum of twenty-three hundred dollars, the same to be in addition to the sixty-four hundred dollars appropriated by chapter one hundred and seven of the acts of the present year.

Harbor and
land commis-
sioners,
salaries.

For the brothers of the late Henry S. Finan, as authorized by chapter one hundred and nineteen of the resolves of the present year, the sum of two hundred and forty dollars.

Brothers of
Henry S.
Finan.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1898.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND NINETY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND NINETY-EIGHT RELATIVE TO SCHOOL ATTENDANCE AND TRUANCY.

Chap. 580

Be it enacted, etc., as follows:

SECTION 1. Section twenty-nine of chapter four hundred and ninety-six of the acts of the year eighteen hundred and ninety-eight, as printed in the pamphlet edition of the acts and resolves, is hereby amended by adding at the end of said section the following words:—and shall be made by the trustees for children of said city, who shall hereafter exclusively have and exercise the powers given to the institutions commissioner of said city by said chapter.

1898, 496, § 29,
amended.

SECTION 2. Section thirty-five of said chapter is hereby amended by striking out all of said section between and including the word “section”, in the first line, and the word “whenever”, in the eighth line; also by striking out in the twentieth line, the words “directors of public institutions”, and inserting in place thereof the words:—trustees for children,—also by striking out in the twenty-second line, the word “directors”, and inserting in place thereof the word:—trustees,—

1898, 496, § 35,
amended.

SECTION 3. This act shall take effect upon its passage.

Approved June 23, 1898.

RESOLVES.

Chap. 1 RESOLVE RELATIVE TO THE PUBLICATION OF THE BULLETIN OF COMMITTEE HEARINGS.

Certain bills to be approved by the sergeant-at-arms.

Resolved, That all bills contracted under the order authorizing the joint committee on rules to publish a bulletin of committee hearings and matters before committees shall be paid on approval of the sergeant-at-arms.

Approved January 28, 1898.

Chap. 2 RESOLVE TO AUTHORIZE THE TREASURER TO BORROW MONEY IN ANTICIPATION OF REVENUE.

Treasurer may borrow money in anticipation of revenue.

Resolved, That the treasurer and receiver general be and he is hereby authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rates of interest as shall be found necessary; and that he repay any sums he may borrow under this resolve as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury.

Approved February 8, 1898.

Chap. 3 RESOLVE RELATIVE TO STATE EXPENDITURES BY DEPARTMENTS AND OFFICIALS.

Expenditures by departments and officials.

Resolved, That all heads of departments and officials having supervision of or charge of expenditures in behalf of the Commonwealth, for which no appropriations have been made, are hereby authorized to continue the several departments of service under their charge until such appropriations are made therefor or the pleasure of the present legislature is made known thereon.

Approved February 8, 1898.

RESOLVE RELATIVE TO A HIGH-LEVEL SEWER FOR THE RELIEF OF *Chap. 4*
THE CHARLES AND NEPONSET RIVER VALLEYS..

Resolved, That the board of metropolitan sewerage commissioners is hereby authorized and directed to consider and report upon a high-level system of sewerage for the Charles and Neponset river valleys. It shall be the duty of said board :— First. To designate the portions of the cities and towns which shall be tributary to and embrace in the district to be reported upon, and to define the same in their report with plans and maps, and said district and system shall thereafter be known and designated as the South Metropolitan System. Second. To define and show, by suitable plans and maps, such trunk line and main branches as it shall recommend to be constructed, with outlet. Third. To consider the various methods of disposal of sewage and the application of such methods to any portion of the territory herein mentioned, and to define the methods by which the cities and towns, or parts of the cities and towns, may utilize said trunk line and main branches as an outlet of a system of sewerage and drainage for the cities and towns and said parts of the cities and towns, respectively, and to show the same by plans and maps. Fourth. To employ such engineering and other assistance as may be necessary for carrying out the objects of this resolve, and to cause such surveys and levels to be made as will show on the plans, with substantial accuracy, the location and grades of said trunk line and main branches, and also such surveys and levels in the cities and towns, and parts of the cities and towns, as will enable said board to determine the methods by which the cities and towns may respectively utilize said trunk line and main branches, and to report such methods, with plans showing the main lines by which each may so provide for itself a system of sewerage with its outlet into said trunk line or main branches. Fifth. To define the size and capacity of said trunk line and main branches, and the materials of which they should be constructed, and the manner of construction, and such other particulars as will enable said board to determine the probable expense thereof; and to ascertain and report the cost of the construction of said trunk line and main branches and outlet. All expenses incurred by said board under the provisions of this resolve, but not to exceed thirty thousand dollars,

Metropolitan sewerage commissioners to consider the question of a high-level sewer for the Charles and Neponset river valleys.

Payment of expenses.

shall be paid out of the treasury of the Commonwealth and shall be assessed by the treasurer of the Commonwealth in two annual instalments for the years eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, upon the cities and towns comprised within the said systems, at the following rates, the same being the proportions for maintaining and operating the said systems made by the apportionment commission in its report to the supreme judicial court in the year eighteen hundred and ninety-six and accepted by said court, to wit: — Boston, twenty-seven and twenty-seven one hundredths per cent.; Brookline, eight and twelve one hundredths per cent.; Dedham, nine and ninety-three one hundredths per cent.; Hyde Park, seventeen and seventy-six one hundredths per cent.; Milton, eight and twenty-five one hundredths per cent.; Newton, fourteen per cent.; Waltham, ten and sixty-nine one hundredths per cent.; Watertown, three and ninety-eight one hundredths per cent. On or before the first day of May in the year eighteen hundred and ninety-nine said board of metropolitan sewerage commissioners shall make a report to the general court upon the matters herein referred to it, with a bill for carrying out any recommendations which it may see fit to make. *Approved February 15, 1898.*

Proportions to be paid by the cities and towns interested.

Chap. 5

RESOLVE RELATIVE TO COMPILING, INDEXING AND PUBLISHING THE RECORDS OF THE MASSACHUSETTS TROOPS WHO SERVED IN THE REVOLUTIONARY WAR.

Revolutionary war records.

Resolved, That the secretary of the Commonwealth is hereby authorized and directed to continue the preparation and publication, in book form, of an indexed compilation of the records of the Massachusetts soldiers and sailors who served in the army and navy during the revolutionary war, as shown in the archives in the office of the secretary, and may expend therefor a sum not exceeding six thousand dollars. The sum hereby authorized to be expended shall be in addition to the amount authorized by chapter twenty-two of the resolves of the year eighteen hundred and ninety-seven, and the compilation shall be distributed as therein provided. *Approved February 18, 1898.*

RESOLVE TO PROVIDE FOR COMPLETING THE SURVEY AND SETTING MONUMENTS ON THE BOUNDARY LINE BETWEEN THE STATE OF NEW YORK AND THE COMMONWEALTH OF MASSACHUSETTS.

Chap. 6

Resolved, That the commissioners on the topographical survey and map of Massachusetts are hereby authorized and directed, acting with any officers or agents who may be authorized or appointed for a like purpose by the state of New York, to complete the survey of, and to locate, define and mark by appropriate monuments, the boundary line between the state of New York and the Commonwealth of Massachusetts, and are authorized to expend for such purpose a sum not exceeding thirty-five hundred dollars, the same to be in addition to the amount authorized by chapter twenty-five of the resolves of the year eighteen hundred and ninety-seven. *Approved February 19, 1898.*

Boundary line
between New
York and
Massachusetts.

RESOLVE TO PROVIDE FOR COMPLETING THE SURVEY AND SETTING MONUMENTS ON THE BOUNDARY LINE BETWEEN THE STATE OF RHODE ISLAND AND THE COMMONWEALTH OF MASSACHUSETTS.

Chap. 7

Resolved, That the commissioners on the topographical survey and map of Massachusetts are hereby authorized and directed, acting with any officer or agent who may be authorized or appointed for a like purpose by the state of Rhode Island and Providence Plantations, to complete the survey of, and to locate, define and mark by appropriate monuments, the boundary line between the state of Rhode Island and Providence Plantations and the Commonwealth of Massachusetts, and are authorized to expend for such purpose a sum not exceeding fifteen hundred dollars, the same to be in addition to the amount authorized by chapter eighty-eight of the resolves of the year eighteen hundred and ninety-seven.

Boundary line
between Rhode
Island and
Massachusetts.

Approved February 19, 1898.

RESOLVE IN FAVOR OF CHARLES A. HAYDEN.

Chap. 8

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Charles A. Hayden of Cohasset the sum of twenty-five dollars, being an amount paid by him into the court of probate and insolvency in the county of Norfolk, and by the register of said court paid into the treasury of the Commonwealth, the same amount having been previously paid by said Hayden through mistake into a court of probate and insolvency in another county. *Approved February 19, 1898.*

Charles A.
Hayden.

Chap. 9 RESOLVE IN ADDITION TO A RESOLVE RELATIVE TO STATE EXPENDITURES BY DEPARTMENTS AND OFFICIALS.

Expenditures
by departments,
etc.

Resolved, That the authority to continue the several departments of service under the charge of heads of departments and officials, as provided for by chapter three of the resolves of the present year, shall be construed to authorize the payment of salaries and other expenses that may become due during the month of February, where appropriations are not yet made.

Approved March 1, 1898.

Chap. 10

Lemuel Burr.

RESOLVE IN FAVOR OF LEMUEL BURR.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Lemuel Burr of Cambridge the sum of one hundred and fifty dollars, in consideration of his care of his late mother and aunt, who were members of the Ponkapoag tribe of Indians and were formerly beneficiaries of the Commonwealth.

Approved March 1, 1898.

Chap. 11 RESOLVE IN FAVOR OF ALTHEA HAZARD, A MEMBER OF THE HASSANAMISCO TRIBE OF INDIANS.

Althea Hazard.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Charles B. Sherman of Oxford, guardian of Althea Hazard, or to his successors, an annuity of two hundred and fifty dollars, for the purpose of meeting the expenses of an attendant and for the benefit of said Althea Hazard of Oxford, a survivor of the Hassanamisco tribe of Indians, for the rest of her natural life, beginning on the first day of January in the year eighteen hundred and ninety-eight, and payable in equal quarterly instalments. The annuity hereby granted is in addition to the annuity of two hundred dollars authorized by chapter forty-four of the resolves of the year eighteen hundred and ninety-five.

Approved March 1, 1898.

Chap. 12 RESOLVE RELATIVE TO COMPLETING THE INDEX OF THE WAR RECORDS AND RE-WRITING THE WAR RECORD BOOKS IN THE OFFICE OF THE ADJUTANT GENERAL.

Index of war
records, etc.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of twenty-five

hundred dollars, to be expended under the direction of the adjutant general for the purpose of re-writing the record books for permanent preservation; said sum to be in addition to any unexpended portion of the amount authorized to be expended for said purpose by chapter forty-nine of the resolves of the year eighteen hundred and ninety-seven.

Approved March 2, 1898.

RESOLVE TO PROVIDE FOR PRESERVING WAR RECORDS IN THE OFFICE OF THE ADJUTANT GENERAL.

Chap. 13

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen hundred dollars, to be expended by the adjutant general in preserving war records worn by age and use, said sum to be in addition to any unexpended portion of the amount authorized to be expended for said purpose by chapter seventy-five of the resolves of the year eighteen hundred and ninety-seven.

Preserving war records.

Approved March 2, 1898.

RESOLVE TO CONFIRM THE ACTS OF GEORGE EDGAR WILLIAMS AS A JUSTICE OF THE PEACE.

Chap. 14

Resolved, That all acts done by George Edgar Williams of Taunton as a justice of the peace, between the twenty-sixth day of February and the fifth day of April in the year eighteen hundred and ninety-seven, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

George Edgar Williams, justice of the peace, acts confirmed.

Approved March 3, 1898.

RESOLVE IN FAVOR OF TIMOTHY CROWLEY, ADMINISTRATOR.

Chap. 15

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Timothy Crowley, administrator of the estate of James Crowley, the sum of one hundred and ninety-nine dollars and sixty-seven cents, said sum being the amount that said James Crowley had on deposit in the Emigrant Savings Bank, as appears by the list on file in the office of the auditor of the Commonwealth, the said sum having been allowed and paid by mistake to Theo. H. Tyndale, administrator for one James Crowley, who was not the person entitled to said deposit.

Timothy Crowley.

Approved March 3, 1898.

Chap. 16James R.
Dunbar.

RESOLVE IN FAVOR OF JAMES R. DUNBAR.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to James R. Dunbar such sum as has been or may be awarded him under the provisions of chapter one hundred and eleven of the resolves of the year eighteen hundred and ninety-six.

Approved March 3, 1898.

Chap. 17John C. Brack-
enbury.

RESOLVE IN FAVOR OF JOHN C. BRACKENBURY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of thirty-five dollars and fifty cents to John C. Brackenbury of Lynn, to reimburse him for time lost and expenses incurred in consequence of an injury received at the state range on the seventeenth day of April in the year eighteen hundred and ninety-seven, while in the service of the Commonwealth. The sum allowed by this resolve shall be paid only to said Brackenbury or to his executor or administrator.

Approved March 8, 1898.

Chap. 18Authority of
committee to
investigate the
relations
between street
railway and
municipal cor-
porations
extended.

RESOLVE TO EXTEND THE AUTHORITY OF THE COMMITTEE TO INVESTIGATE THE SUBJECT OF THE RELATIONS BETWEEN STREET RAILWAYS AND MUNICIPAL CORPORATIONS.

Resolved, That the time allowed to the committee appointed to investigate the subject of the relations between street railways and municipal corporations, for completing their inquiries and submitting their report, is hereby extended to the first day of April in the year eighteen hundred and ninety-eight, to enable said committee to report the result of their investigations in print, and to prepare the appendix to their report; and for the purposes aforesaid the committee may incur such expenses and may employ such clerical and other assistance as may be necessary, and may expend therefor a sum not exceeding twenty-five hundred dollars, the same to be in addition to any amount heretofore authorized to be expended. The expenses under this resolve shall be apportioned and borne by the several corporations owning or operating street railways in this Commonwealth, according to their gross earnings, and shall be apportioned by the tax commissioner as provided in section three of chapter five hundred and nine of the acts of the year eighteen hundred and ninety-seven.

Approved March 9, 1898.

RESOLVE RELATIVE TO THE APPOINTMENT OF A COMMITTEE TO INVESTIGATE AND REPORT UPON ARMORIES AND STATE RANGES.

Chap. 19

Resolved, That the governor is hereby authorized to appoint a committee to consist of five commissioned officers of the volunteer militia, to investigate and report as to the advisability of changing the militia laws so that the Commonwealth shall provide all armories, ranges, and a state range for the volunteer militia. The committee so appointed shall serve without pay, but may expend not exceeding one thousand dollars for clerical assistance and necessary travelling expenses. They shall report to the governor not later than the first day of January in the year eighteen hundred and ninety-nine.

Committee to investigate and report on state armories and ranges.

Approved March 10, 1898.

RESOLVE TO CONFIRM THE ACTS OF THOMAS MELLEN AS A REGISTRAR OF VOTERS.

Chap. 20

Resolved, That all the acts done by Thomas Mellen of Edgartown as a registrar of voters for said town, between the first day of May in the year eighteen hundred and ninety-five and the eighteenth day of February in the year eighteen hundred and ninety-eight, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Thomas Mellen, registrar of voters, acts confirmed.

Approved March 10, 1898.

RESOLVE IN FAVOR OF ELIJAH S. DARLING.

Chap. 21

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Elijah S. Darling of Boston the sum of six hundred dollars annually during his natural life, payable in equal quarterly instalments, said Darling having been totally disabled from performing manual labor in consequence of a murderous assault made upon him by a prisoner in the state prison on the tenth day of August in the year eighteen hundred and ninety-seven while said Darling was acting in the discharge of his duty as a turnkey in said prison.

Elijah S. Darling.

Approved March 12, 1898.

RESOLVE IN FAVOR OF THE TOWN OF NANTUCKET.

Chap. 22

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Nantucket the sum of forty-seven dollars and twenty cents, being

Town of Nantucket.

the amount expended by said town in caring for the crews of the schooner William E. McDonald and the brigantine H. C. Sibley, which were wrecked on the island of Nantucket during the year eighteen hundred and ninety-seven, said seamen having no known settlement in this Commonwealth. *Approved March 12, 1898.*

Chap. 23 RESOLVE TO PROVIDE FOR PRINTING ADDITIONAL COPIES OF THE REPORT OF THE ATTORNEY-GENERAL.

Report of the
attorney-
general.

Resolved, That there be printed seven hundred and fifty additional copies of the report of the attorney-general for the year eighteen hundred and ninety-seven.

Approved March 15, 1898.

Chap. 24 RESOLVE RELATIVE TO THE REPORT OF THE BOARD OF FREE PUBLIC LIBRARY COMMISSIONERS.

Report of free
public library
commissioners.

Resolved, That the board of free public library commissioners is hereby authorized to include in its report to be made in January in the year eighteen hundred and ninety-nine a sketch of the free public libraries of the state, with illustrations of such library buildings as said commission may deem expedient; and two thousand extra copies of the report shall be printed for distribution under the direction of the commissioners.

Approved March 15, 1898.

Chap. 25 RESOLVE TO PROVIDE FOR THE PUBLICATION OF CERTAIN SPECIAL LAWS.

Publication of
certain special
laws.

Resolved, That the special acts of this Commonwealth, passed from the year eighteen hundred and ninety-four to the year eighteen hundred and ninety-seven, inclusive, be collated and published under the direction of the secretary of the Commonwealth, in a volume as nearly as may be in conformity with the volume of special laws last printed.

Resolved, That fifteen hundred copies of the volume aforesaid be printed and distributed as follows:—One hundred copies for the use of the various state offices and committee rooms and the two branches of the legislature; one copy to each member of the present general court; one copy to each of the justices of the supreme judicial and superior courts and to each judge of probate and insolvency; two hundred copies for the state library, six

copies of which shall be preserved upon the shelves, and the residue used in exchanges; one copy to each city and town in the Commonwealth, to be placed in the city or town library, when such library exists; one copy to each public and incorporated library in the Commonwealth, other than a city or town library; one copy to each registry of deeds; one copy to each of the clerks of the courts in each county; fifty copies to be retained in the office of the secretary of the Commonwealth; and the remaining copies to be disposed of by the secretary of the Commonwealth to individual purchasers at cost, the money received therefor to be paid into the treasury of the Commonwealth: *provided*, that no copies shall be sold for the purpose of re-sale. The secretary shall cause to be pasted on the inside of the cover of each copy delivered by him to any public officer for the use of his office a paper stating said fact, and that such copy is to be transmitted by the present incumbent at the expiration of his term of office to his successor in such office.

Proviso.

Approved March 15, 1898.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE LUNATIC HOSPITAL AT DANVERS. *Chap. 26*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding sixty-five hundred and fifty dollars, to be expended at the state lunatic hospital at Danvers, under the direction of the trustees thereof, for the following purposes, to wit:— For furnishing the cottage for female nurses, a sum not exceeding twenty-five hundred dollars; for laying asphalt or tile flooring in bath rooms, a sum not exceeding fifteen hundred dollars; and for land and the expense of a sewerage plant, a sum not exceeding twenty-five hundred and fifty dollars.

Lunatic hospital at Danvers.

Approved March 17, 1898.

RESOLVE TO PROVIDE FOR THE PURCHASE OF ADDITIONAL LAND AND FOR CERTAIN REPAIRS AT THE MASSACHUSETTS REFORMATORY. *Chap. 27*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding nine thousand dollars, to be expended at the Massachusetts reformatory under the direction of the commissioners of prisons, for the following purposes:— For the purchase

Massachusetts reformatory.

of additional land, a sum not exceeding six thousand dollars, and for repairing officers' houses, a sum not exceeding three thousand dollars.

Approved March 22, 1898.

Chap. 28 RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AT THE REFORMATORY PRISON FOR WOMEN.

Reformatory
prison for
women.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-six hundred and fifty dollars, to be expended at the reformatory prison for women under the direction of the commissioners of prisons, for the following purposes:—For painting the farm buildings, a sum not exceeding two thousand dollars, and for remodeling the bath rooms, a sum not exceeding six hundred and fifty dollars, the same to be in addition to the amount authorized by chapter fifty-five of the resolves of the year eighteen hundred and ninety-seven.

Approved March 22, 1898.

Chap. 29 RESOLVE RELATIVE TO THE DISPOSAL OF A PARCEL OF LAND NEAR THE REFORMATORY PRISON FOR WOMEN.

Reformatory
prison for
women.

Resolved, That the commissioners of prisons are hereby authorized and directed to sell and convey, in the name of the Commonwealth, at public auction or otherwise, the land owned by the Commonwealth on Herbert street in the town of Framingham, containing about fifty-three thousand square feet, and separated by said street from the premises of the reformatory prison for women. Said commissioners shall pay the proceeds of said sale, after deducting any necessary expenses in connection therewith, into the treasury of the Commonwealth.

Approved March 22, 1898.

Chap. 30 RESOLVE TO PROVIDE FOR THE PROCURING OF A STEAMER TO BE USED FOR THE ENFORCEMENT OF THE FISH AND GAME LAWS.

Enforcement
of fish and
game laws,
purchase of
steamer for.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty thousand dollars, to be expended under the direction of the chief of the district police, subject to the approval of the governor and council, for procuring a steamer to be used under the direction of said chief of the district police in enforcing the laws of the Commonwealth relat-

ing to fish and game. The steamer procured under the provisions of this resolve shall be built in this Commonwealth. The chief of the district police is hereby authorized to sell the steamer now owned by the Commonwealth, known as the Ocean Gem, and he is directed to pay the proceeds of such sale into the treasury of the Commonwealth.

Approved March 22, 1898.

RESOLVE TO PROVIDE FOR THE PAYMENT OF CERTAIN EXPENSES OF THE ANNUAL CONVENTION OF THE FARMERS' NATIONAL CONGRESS TO BE HELD IN THE YEAR EIGHTEEN HUNDRED AND NINETY-NINE.

Chap. 31

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, to be expended under the direction of the state board of agriculture for the purpose of meeting the expenses in connection with holding the annual convention of the farmers' national congress in the city of Boston in the year eighteen hundred and ninety-nine.

Farmers' national congress.

Approved March 23, 1898.

RESOLVE TO PROVIDE FOR THE PRINTING OF FIVE HUNDRED ADDITIONAL COPIES OF THE TENTH REPORT OF THE COMMISSIONER OF PUBLIC RECORDS.

Chap. 32

Resolved, That five hundred additional copies of the tenth report of the commissioner of public records be printed, fifty copies to be bound in cloth, to be distributed under the direction of said commissioner; the entire expense not to exceed fifty dollars.

Report of commissioner of public records.

Approved March 23, 1898.

RESOLVE RELATIVE TO THE DEDICATION OF THE MONUMENT ERECTED BY THE COMMONWEALTH ON THE BATTLEFIELD OF ANTIETAM.

Chap. 33

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-five hundred dollars, to be expended under the direction of the governor and council to enable the Commonwealth to be properly represented at the dedication of the monument erected under the provisions of chapter sixteen of the resolves of the year eighteen hundred and ninety-six on the battlefield of Antietam, through the following officials:—His excellency the governor, or his honor the lieutenant governor, and six members of the

Dedication of monument on battlefield of Antietam.

governor's staff, four members of the executive council, the secretary of the Commonwealth, the treasurer and receiver general, the auditor of accounts, the attorney-general, the president of the senate, the speaker of the house of representatives, the joint committee on military affairs, a special committee of nine members of the senate and twenty-two members of the house of representatives, to be appointed by the presiding officers of the two branches, respectively, the clerk of the senate, the clerk of the house, the architect of the monument, the members of the commission appointed under the authority of chapter fifty-one of the resolves of the year eighteen hundred and ninety-four, and the sergeant-at-arms.

Approved March 23, 1898.

Chap. 34 RESOLVE TO PROVIDE FOR ILLUSTRATIONS IN A REPORT OF THE
STATE BOARD OF HEALTH.

Report of state
board of health,
illustrations in.

Resolved, That the state board of health is hereby authorized to expend out of the appropriation for the board a sum not exceeding nine hundred and fifty dollars, for the purpose of reproducing microscopic illustrations of the disease known as epidemic cerebro-spinal meningitis.

Approved March 24, 1898.

Chap. 35 RESOLVE TO CONFIRM THE ACTS OF GEORGE P. HAWKES AS A
NOTARY PUBLIC.

George P.
Hawkes,
notary public,
acts confirmed.

Resolved, That all acts done by George P. Hawkes as a notary public, between the twenty-fourth day of July in the year eighteen hundred and ninety-seven and the second day of September in the same year, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved March 25, 1898.

Chap. 36 RESOLVE IN FAVOR OF THE MYLES STANDISH MONUMENT ASSOCIA-
TION.

Myles Standish
Monument
Association.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended under the direction of the Myles Standish Monument Association for making repairs upon the Myles Standish monument in the town of Duxbury and completing the same.

Approved March 25, 1898.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE *Chap. 37*
 TAUNTON LUNATIC HOSPITAL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended at the Taunton lunatic hospital under the direction of the trustees and superintendent for the purpose of building a bay window on the west wing and for other necessary repairs at said institution. *Taunton lunatic hospital.*

Approved March 25, 1898.

RESOLVE IN FAVOR OF FRANK A. NEWELL.

Chap. 38

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Frank A. Newell the sum of forty dollars, in full compensation for injuries received by a horse belonging to him, at the annual encampment of troop D, first battalion of cavalry, second brigade, Massachusetts volunteer militia, at Framingham, in the month of July in the year eighteen hundred and ninety-seven.

Frank A. Newell.

Approved March 25, 1898.

RESOLVE TO PROVIDE FOR AN EXAMINATION OF THE BOUNDARY *Chap. 39*
 LINE BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND
 THE STATE OF CONNECTICUT.

Resolved, That the commissioners on the topographical survey and map of Massachusetts are hereby directed to cause a preliminary examination to be made as to the present condition of the monuments or marks defining the boundary line between this Commonwealth and the state of Connecticut, and to confer with the authorities of the state of Connecticut as to the re-marking of said line if such re-marking is found to be necessary. Said commissioners shall include in their next annual report a statement of the results of their examination and conference, together with an estimate of the cost of re-marking the line in a substantial and permanent manner. For the purposes of this resolve said commissioners may expend a sum not exceeding five hundred dollars.

Boundary line between Massachusetts and Connecticut.

Approved March 29, 1898.

RESOLVE TO PROVIDE FOR THE PURCHASE OF SUITABLE APPARATUS *Chap. 40*
 FOR THE PRACTICAL EXAMINATION OF ENGINEERS AND FIREMEN

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding *Examination of engineers and firemen, apparatus for.*

twenty-five hundred dollars, to be expended under the direction of the chief of the Massachusetts district police for the purchase of suitable apparatus to be used by the members of the boiler inspection department of the district police in the examination of engineers and firemen.

Approved March 29, 1898.

Chap. 41 RESOLVE IN FAVOR OF THE MOTHER OF THE LATE JAMES E. HAYES.

Mother of
James E.
Hayes.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Theresa Hayes, mother of James E. Hayes late senator from the second Suffolk district, the salary to which said James E. Hayes would have been entitled had he lived to the end of the present session.

Approved March 29, 1898.

Chap. 42 RESOLVE IN FAVOR OF ANNIE E. FITZGERALD.

Annie E.
Fitzgerald.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Annie E. Fitzgerald of North Adams, an annuity of one hundred dollars for the term of two years, commencing with the first day of January in the year eighteen hundred and ninety-eight, payable in equal quarterly instalments, to be used by her in supporting James Haggerty, the minor son of the late Patrick Haggerty who was killed in the Hoosac tunnel on the eleventh day of January in the year eighteen hundred and eighty-five, while in the employ of the Commonwealth. If the said James Haggerty should die before the expiration of the time specified in this resolve said annuity shall cease.

Approved April 1, 1898.

Chap. 43 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BERKSHIRE.

County tax,
Berkshire.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Berkshire for the year eighteen hundred and ninety-eight : —

For interest on county debt, a sum not exceeding six thousand five hundred dollars.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twelve thousand dollars.

For clerical assistance in county offices, a sum not exceeding four thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty thousand dollars. County tax, Berkshire.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty thousand five hundred dollars.

For criminal costs in the superior court, a sum not exceeding nine thousand five hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding four thousand dollars.

For trial justices, a sum not exceeding one hundred and fifty dollars.

For transportation expenses of county and special commissioners, a sum not exceeding three hundred and fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand dollars.

For auditors, masters and referees, a sum not exceeding one thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding five thousand dollars, including thirty-five dollars and thirty-six cents to pay bills due and unpaid.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding five thousand dollars, including one thousand dollars to pay bills due and unpaid.

For highways, bridges and land damages, a sum not exceeding twelve thousand dollars.

For truant schools, a sum not exceeding one thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and sixteen thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 1, 1898.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BRISTOL. *Chap. 44*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Bristol for the year eighteen hundred and ninety-eight : — County tax, Bristol.

County tax,
Bristol.

For interest on county debt, a sum not exceeding forty thousand dollars.

For reduction of county debt, a sum not exceeding ninety-five thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-three thousand eight hundred forty-six dollars and forty-seven cents, including eight hundred forty-six dollars and forty-seven cents to pay bills due and unpaid.

For clerical assistance in county offices, a sum not exceeding fifteen thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-three thousand two hundred and fifty-four dollars and seventeen cents, including seven hundred and fifty-four dollars and seventeen cents to pay bills due and unpaid.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighty-three thousand four hundred and four dollars and twenty-four cents, including three thousand four hundred and four dollars and twenty-four cents to pay bills due and unpaid.

For criminal costs in the superior court, a sum not exceeding twenty-five thousand five hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding seventeen thousand dollars.

For transportation expenses of county and special commissioners, a sum not exceeding eight hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding six thousand four hundred and forty-four dollars and thirty cents, including four hundred and forty-four dollars and thirty cents to pay bills due and unpaid.

For auditors, masters and referees, a sum not exceeding two thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding fifteen thousand one hundred twenty-seven dollars and fifty-seven cents, including three thousand one hundred and twenty-seven dollars and fifty-seven cents to pay bills due and unpaid.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding fifteen thousand four hundred and fifty-three dollars

and one cent, including one thousand four hundred and fifty-three dollars and one cent to pay bills due and unpaid.

County tax,
Bristol.

For highways, bridges, state highways and land damages, a sum not exceeding eleven thousand four hundred and ninety-nine dollars and forty-five cents, including fourteen hundred and ninety-nine dollars and forty-five cents to pay bills due and unpaid.

For law libraries, a sum not exceeding three thousand dollars.

For truant schools, a sum not exceeding six thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand three hundred and seventy dollars and seventy-nine cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred and sixty thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 1, 1898.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF ESSEX.

Chap. 45

Resolved, That the following sums are hereby appropriated for the expenses of the county of Essex for the year eighteen hundred and ninety-eight:—

County tax,
Essex.

For interest on county debt, a sum not exceeding three thousand three hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-five thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding fifteen thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding forty thousand five hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding sixty-four thousand six hundred dollars.

For criminal costs in the superior court, a sum not exceeding twenty-eight thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-six thousand five hundred dollars.

County tax,
Essex.

For trial justices, a sum not exceeding seven thousand five hundred dollars.

For transportation expenses of county and special commissioners, a sum not exceeding five hundred and fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding nine thousand dollars.

For auditors, masters and referees, a sum not exceeding four thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding four thousand dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding thirteen thousand dollars.

For highways, bridges and land damages, a sum not exceeding thirty-six thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding ten thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding six thousand five hundred and fifty dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two hundred and eighteen thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 1, 1898.

Chap. 46 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF FRANKLIN.

County tax,
Franklin.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Franklin for the year eighteen hundred and ninety-eight: —

For interest on county debt, a sum not exceeding two thousand five hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding six thousand four hundred dollars.

For clerical assistance in county offices, a sum not exceeding fifteen hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding six thousand five hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding six thousand five hundred dollars. County tax, Franklin.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding four thousand five hundred dollars.

For transportation expenses of county and special commissioners, a sum not exceeding six hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand dollars.

For auditors, masters and referees, a sum not exceeding four hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding three thousand dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding two thousand five hundred dollars.

For highways, bridges and land damages, a sum not exceeding thirteen thousand one hundred and fifty dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand five hundred and fifty dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of fifty-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 1, 1898.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPDEN.

Chap. 47

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampden for the year eighteen hundred and ninety-eight : — County tax, Hampden.

For interest on county debt, a sum not exceeding thirteen thousand dollars.

For reduction of county debt, a sum not exceeding thirty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirteen thousand two hundred dollars.

County tax,
Hampden.

For clerical assistance in county offices, a sum not exceeding ten thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-three thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-six thousand dollars.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-two thousand five hundred dollars.

For transportation expenses of county and special commissioners, a sum not exceeding two hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding five thousand dollars, including one hundred and seventeen dollars and nineteen cents to pay bills due and unpaid.

For auditors, masters and referees, a sum not exceeding two thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding thirty-two thousand dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding nine thousand dollars.

For highways, bridges and land damages, a sum not exceeding sixteen thousand dollars, including one hundred and seventeen dollars to pay bills due and unpaid.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding five thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and fifty-two thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 1, 1898.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF WORCESTER. *Chap. 48*County tax,
Worcester.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Worcester for the year eighteen hundred and ninety-eight: —

For interest on county debt, a sum not exceeding six thousand dollars.

For reduction of county debt, a sum not exceeding forty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-five thousand dollars.

For clerical assistance in county offices, a sum not exceeding thirty-five thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding forty-two thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding fifty-five thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-five thousand dollars.

For trial justices, a sum not exceeding six thousand dollars.

For transportation expenses of county and special commissioners, a sum not exceeding nine hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding ten thousand dollars.

For auditors, masters and referees, a sum not exceeding three thousand one hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding ten thousand dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding fifteen thousand dollars.

For highways, bridges and land damages, a sum not exceeding twenty-five thousand dollars.

For truant schools, a sum not exceeding ten thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding ten thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum

of two hundred and seventy-three thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 1, 1898.

Chap. 49 RESOLVE RELATIVE TO THE ROLLS OF THE COLONIAL FORCES IN THE LOUISBURG EXPEDITION.

Rolls of colonial forces in the Louisburg expedition.

Resolved, That the secretary of the Commonwealth be and he is hereby authorized and instructed to ascertain and report to the general court whether or not there are in existence in Halifax, Nova Scotia, rolls of the Massachusetts colonial forces engaged in the Louisburg expedition of the year seventeen hundred and forty-five, and in case such rolls can be found, whether or not certified copies thereof can be obtained, and the cost of obtaining the same.

Approved April 1, 1898.

Chap. 50 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPSHIRE.

County tax, Hampshire.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampshire for the year eighteen hundred and ninety-eight : —

For interest on county debt, a sum not exceeding four thousand seven hundred dollars.

For reduction of county debt, a sum not exceeding seven thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seven thousand three hundred dollars.

For clerical assistance in county offices, a sum not exceeding three thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding seven thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding ten thousand five hundred dollars.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding five thousand three hundred dollars.

For transportation expenses of county and special commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand four hundred dollars. County tax, Hampshire.

For auditors, masters and referees, a sum not exceeding five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding four thousand dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding four thousand three hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding seven thousand five hundred dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding two thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of sixty-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 6, 1898.

RESOLVE TO PROVIDE FOR ERECTING COOK HOUSES ON THE CAMP *Chap. 51*
GROUND AT FRAMINGHAM.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-two hundred dollars, to be expended by the quartermaster general under the direction of the governor, for the purpose of erecting cook houses on the state camp ground at Framingham. Camp ground at Framingham, cook houses at.

Approved April 6, 1898.

RESOLVE RELATIVE TO THE SOLDIERS' MONUMENT ON THE BATTLE- *Chap. 52*
FIELD OF ANTIETAM.

Resolved, That the governor is hereby authorized and requested to convey in behalf of the Commonwealth to the United States of America all the right, title and interest of the Commonwealth to and in the lot of land on the battlefield of Antietam purchased by the Common- Monument on battlefield of Antietam.

wealth, and the soldiers' monument erected on said land under the provisions of chapter sixteen of the resolves of the year eighteen hundred and ninety-six, the United States government having agreed through the national Antietam commission to take perpetual care of said land and monument on condition that the same be conveyed by the Commonwealth to the United States.

Approved April 6, 1898.

Chap. 53 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF MIDDLESEX.

County tax,
Middlesex.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Middlesex for the year eighteen hundred and ninety-eight : —

For interest on county debt, a sum not exceeding forty thousand five hundred dollars.

For reduction of county debt, a sum not exceeding forty-six thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-four thousand dollars.

For clerical assistance in county offices, a sum not exceeding sixty-seven thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding seventy thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding one hundred and ten thousand dollars.

For criminal costs in the superior court, a sum not exceeding thirty-six thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding fifty thousand dollars.

For trial justices, a sum not exceeding three thousand two hundred dollars.

For transportation expenses of county and special commissioners, a sum not exceeding six hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding twelve thousand dollars.

For auditors, masters and referees, a sum not exceeding seven thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding thirty thousand dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding thirty thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirty-two thousand five hundred dollars.

County tax,
Middlesex.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding sixteen thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of four hundred and forty-eight thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 12, 1898.

RESOLVE TO PROVIDE FOR THE ESTABLISHMENT OF AN ELECTRIC LIGHT PLANT AT THE STATE PRISON.

Chap. 54

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirteen thousand dollars, to be expended by the warden of the state prison, with the approval of the commissioners of prisons, in providing an electric light plant at the state prison.

Electric light
plant at the
state prison.

Approved April 12, 1898.

RESOLVE RELATIVE TO THE DISTRIBUTION OF THE MASSACHUSETTS MILITARY AND NAVAL HISTORY.

Chap. 55

Resolved, That such copies of the Massachusetts military and naval history, prepared by Thomas Wentworth Higginson, state military and naval historian, as have been assigned to members of the general court of the years eighteen hundred and ninety-four and eighteen hundred and ninety-five and have not been called for by such members, shall be subject to distribution at the discretion of the secretary of the Commonwealth, or may be sold by said secretary as provided in chapter sixty-two of the resolves of the year eighteen hundred and ninety-five.

Massachusetts
military and
naval history,
distribution of.

Approved April 12, 1898.

RESOLVE TO PROVIDE FOR THE PURCHASE OF EQUIPMENT FOR THE FIRST REGIMENT OF HEAVY ARTILLERY.

Chap. 56

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-

Equipment for
first regiment of
heavy artillery.

five hundred dollars, to be expended by the quartermaster general, under the direction of the governor, for the purchase of equipment for the instruction of the first regiment of heavy artillery, Massachusetts volunteer militia.

Approved April 12, 1898.

Chap. 57 RESOLVE TO PROVIDE FOR THE CONSTRUCTION OF A NEW SCHOOL BUILDING AT THE LYMAN SCHOOL FOR BOYS.

Lyman school for boys.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five thousand dollars, to be expended under the direction of the trustees of the Lyman and industrial schools, for the purposes of constructing, and furnishing ready for occupancy, a new school building at the Lyman school for boys.

Approved April 12, 1898.

Chap. 58 RESOLVE TO PROVIDE FOR PRINTING THE REPORT, WITH APPENDICES, OF THE SPECIAL COMMITTEE APPOINTED TO INVESTIGATE THE SUBJECT OF THE RELATIONS BETWEEN CITIES AND TOWNS AND STREET RAILWAY CORPORATIONS.

Report on subject of relations between cities and towns and street railway corporations.

Resolved, That three thousand copies be printed in pamphlet form of the report, with the appendices, of the special committee appointed to investigate the subject of the relations between cities and towns and street railway corporations, to be distributed under the direction of the secretary of the Commonwealth, at an expense not exceeding the sum of seven hundred dollars.

Approved April 12, 1898.

Chap. 59 RESOLVE RELATIVE TO THE PUBLICATION OF THE PROCEEDINGS COMMEMORATING THE CENTENNIAL OF THE BULFINCH STATE HOUSE.

Proceedings on centennial of the Bulfinch state house, publication of.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to meet the expense of publishing the prayer by the chaplain, the address by His Excellency Governor Roger Wolcott, and the historical address by Alfred S. Roe of Worcester, delivered in the senate chamber on the eleventh day of January in the present year. Said proceedings shall be printed under the direction of the secretary of the Commonwealth, who shall cause to be inserted in the same volume with said proceedings portraits of the governor and lieutenant governor of the Commonwealth; also those of governor Samuel

Adams and Paul Revere, who laid the corner stone of the Bulfinch state house; Charles Bulfinch; president George E. Smith; speaker John L. Bates; chaplains Edmund Dowse and Daniel W. Waldron; ex-speakers Samuel and John Phillips; ex-governor George S. Boutwell; Alfred S. Roe; clerks Stephen N. Gifford and Henry D. Coolidge; also two views of the old senate chamber, two views of the present senate chamber, and views of the Bulfinch state house, the temporary senate chamber occupied in the year eighteen hundred and ninety seven, the council chamber, and the governor's room; also a list of the names of the members of the executive council and its clerk, and of the senate and house of representatives and their respective clerks for the year eighteen hundred and ninety-eight. There shall be printed a sufficient number of copies thereof to be distributed as follows:—To the governor, twenty-five copies, and to the lieutenant governor, the members of the executive council, the secretary, treasurer, auditor, and attorney-general of the Commonwealth, and the secretaries and messengers of the executive department, each one copy. To each member and officer of the general court for the year eighteen hundred and ninety-eight, twelve copies. To each doorkeeper, watchman, messenger and page of the general court, one copy. To each reporter regularly assigned a seat in the reporter's gallery, one copy. To the author of the historical address, twenty-five copies. To each senator and representative from the Commonwealth in the congress of the United States, one copy. To the state library, fifty copies. To each free public library in the Commonwealth, one copy. To each city and town in the Commonwealth in which there is no free public library, one copy. To such historical societies in the Commonwealth as may be designated by the secretary of the Commonwealth, each one copy. To each state and territory in the United States and to the congressional library, one copy. To the secretary of the Commonwealth for distribution in his discretion, two hundred copies.

Approved April 12, 1898.

RESOLVE TO PROVIDE FOR THE ESTABLISHMENT OF A FISH HATCHERY IN THE COUNTY OF BERKSHIRE.

Chap. 60

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding

Fish hatchery
in the county
of Berkshire.

twenty-five hundred dollars, to be expended under the direction of the commissioners on inland fisheries and game for the purpose of establishing and maintaining in the county of Berkshire a hatching house for the propagation of trout, salmon and other fish suitable for the inland waters of this Commonwealth, and for the purchase of land and the erection of buildings necessary for that purpose.

Approved April 12, 1898.

Chap. 61

Minnie E.
Squire.

RESOLVE IN FAVOR OF MINNIE E. SQUIRE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Minnie E. Squire the sum of one thousand dollars, in full compensation for injuries received by her as the result of a collision, occurring without her fault, between a carriage in which she was seated and a vehicle belonging to the Massachusetts reformatory, in charge of one of the convicts committed to said institution.

Approved April 12, 1898.

Chap. 62

Eben S. Curtis.

RESOLVE IN FAVOR OF EBEN S. CURTIS.

Resolved, That there be allowed and paid out of the Metropolitan Parks Loan Fund to Eben S. Curtis the sum of twenty-five hundred dollars, in full compensation for injuries received by said Curtis while acting in the discharge of his duty at the bath house at the Revere Beach reservation, in the month of August in the year eighteen hundred and ninety-seven.

Approved April 12, 1898.

Chap. 63

Westborough
insane hospital.

RESOLVE TO PROVIDE FOR THE PURCHASE OF LAND AT THE WESTBOROUGH INSANE HOSPITAL.

Resolved, that there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand four hundred and forty-two dollars and thirty-two cents, to be expended at the Westborough insane hospital under the direction of the trustees thereof for the following purposes: — For the purchase of the Heath farm, a sum not exceeding twenty-seven hundred dollars; for the purchase of the Houghton farm, a sum not exceeding sixteen hundred dollars, and for one acre of land already purchased by said trustees, the sum of one hundred and forty-two dollars and thirty-two cents.

Approved April 14, 1898.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND
EAR INFIRMARY. *Chap. 64*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Massachusetts Charitable Eye and Ear Infirmary the sum of twenty-five thousand dollars, to be expended under the direction of the managers thereof for the charitable purposes of said infirmary during the present year. *Approved April 14, 1898.*

Massachusetts
Charitable Eye
and Ear
Infirmary.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MAS-
SACHUSETTS SCHOOL FOR THE FEEBLE-MINDED. *Chap. 65*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand dollars, to be expended at the Massachusetts School for the Feeble-minded under the direction of the trustees of said institution, for a new boiler and an additional electric plant. *Approved April 14, 1898.*

Massachusetts
School for the
Feeble-minded.

RESOLVE IN FAVOR OF THE MASSACHUSETTS SCHOOL FOR THE
FEEBLE-MINDED. *Chap. 66*

Resolved, That there be allowed and paid annually out of the treasury of the Commonwealth to the treasurer of the Massachusetts School for the Feeble-minded, for the use of said school, the sum of thirty-five thousand dollars, to be payable in equal quarterly instalments, commencing on the first day of January in the year eighteen hundred and ninety-eight. *Approved April 14, 1898.*

Massachusetts
School for the
Feeble-minded.

RESOLVE IN FAVOR OF HOBART W. CUMMINGS.

Chap. 67

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Hobart W. Cummings of Lynn the sum of one hundred and eighteen dollars, as compensation for injuries received while on duty as a member of company D, eighth regiment, infantry, Massachusetts volunteer militia, at the annual encampment of the regiment in the year eighteen hundred and ninety-seven. *Approved April 14, 1898.*

Hobart W.
Cummings.

RESOLVE RELATIVE TO BRADFORD'S HISTORY OF THE PLYMOUTH
PLANTATION. *Chap. 68*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth an amount not exceeding two thousand five hundred dollars in addition to the sum

Bradford's
History of the
Plymouth
Plantation.

provided in chapter ninety-one of the resolves of the year eighteen hundred and ninety-seven, for printing Bradford's history of the Plymouth Plantation. In addition to the distribution provided for in said resolve copies shall be distributed as follows:—To each member and officer of the general court for the year eighteen hundred and ninety-eight who was not a member or officer of the general court for the year eighteen hundred and ninety-seven, twelve copies; to each doorkeeper, messenger and page of the general court of the year eighteen hundred and ninety-eight who was not a doorkeeper, messenger or page of the general court for the year eighteen hundred and ninety-seven, one copy; to the state library, thirty copies. Copies may be sold by the secretary of the Commonwealth at a price not less than the cost thereof, and additional copies may be printed for sale, at the discretion of the secretary, the expense thereof to be paid from the receipts from such sales. *Approved April 14, 1898.*

Chap. 69

John C. Irish.

RESOLVE IN FAVOR OF JOHN C. IRISH.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to John C. Irish of Lowell the sum of two hundred and fifty dollars, for professional services rendered to Sarah Jane Robinson, a state prisoner confined in the jail at Lowell. *Approved April 14, 1898.*

Chap. 70 RESOLVE TO PROVIDE FOR PRINTING THE REPORT OF THE COMMISSION APPOINTED TO INQUIRE INTO THE EXPEDIENCY OF REVISING AND AMENDING THE LAWS OF THE COMMONWEALTH RELATING TO TAXATION.

Report on laws relating to taxation, to provide for printing.

Resolved, That two thousand copies of the report of the commission appointed in the year eighteen hundred and ninety-six to inquire into the expediency of revising and amending the laws relating to taxation be printed, with such corrections of clerical and typographical errors as may be approved by the secretary of the Commonwealth in conference with the late commission, at an expense not to exceed the sum of three hundred and fifty dollars.

Approved April 14, 1898.

Chap. 71 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF NORFOLK.

County tax, Norfolk.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Norfolk for the year eighteen hundred and ninety-eight:—

For interest on county debt, a sum not exceeding seven thousand dollars. County tax, Norfolk.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seventeen thousand dollars.

For clerical assistance in county offices, a sum not exceeding seventeen thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-two thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty thousand dollars.

For criminal costs in the superior court, a sum not exceeding twelve thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding ten thousand five hundred dollars.

For trial justices, a sum not exceeding twenty-five hundred dollars.

For transportation expenses of county and special commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding three thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding two thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding two thousand five hundred dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding eleven thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirty-six thousand dollars.

For truant schools, a sum not exceeding four thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum

of one hundred and fifty thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 14, 1898.

Chap. 72 RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS.

Trustees of
Soldiers' Home.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Trustees of the Soldiers' Home in Massachusetts the sum of thirty-five thousand dollars, the same to be used towards the maintenance of a home for deserving veteran soldiers and sailors.

Approved April 14, 1898.

Chap. 73 RESOLVE TO PROVIDE FOR EXPENSES INCURRED IN ESTABLISHING THE BOUNDARY LINE BETWEEN THE TOWNS OF BOURNE AND WAREHAM.

Boundary line
between
Bourne and
Wareham.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the county commissioners of the counties of Barnstable and Plymouth, acting as a joint board, the sum of seventeen hundred dollars, in full payment of expenses incurred in marking the boundary line between the towns of Bourne and Wareham by suitable monuments, and in preparing and filing plans showing the courses and distances thereof, as provided by chapter two hundred and eighty-one of the acts of the year eighteen hundred and ninety-seven.

Approved April 15, 1898.

Chap. 74 RESOLVE TO PROVIDE FOR REPAIRS AND ADDITIONS TO THE UNITED STATES SHIP MINNESOTA.

Repairs to ship
Minnesota.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five hundred dollars, to be expended by the adjutant general of the Commonwealth for the purpose of making certain repairs on and additions to the United States ship Minnesota, at present loaned by the United States to the Commonwealth for the use of the naval militia.

Approved April 19, 1898.

Chap. 75 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF PLYMOUTH.

County tax,
Plymouth.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Plymouth for the year eighteen hundred and ninety-eight: —

For interest on county debt, a sum not exceeding fifty-
five hundred dollars.

County tax,
Plymouth.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding nine thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding five thousand four hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding fourteen thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirteen thousand dollars.

For criminal costs in the superior court, a sum not exceeding fifteen thousand five hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding ten thousand dollars.

For transportation expenses of county and special commissioners, a sum not exceeding four hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand dollars.

For auditors, masters and referees, a sum not exceeding fifteen hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding two thousand dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding three thousand two hundred dollars.

For highways, bridges and land damages, a sum not exceeding nineteen thousand two hundred dollars.

For truant schools, a sum not exceeding two thousand four hundred dollars, including one hundred and forty-nine dollars to pay bills due and unpaid.

For miscellaneous and contingent expenses of the current year, a sum not exceeding seven thousand seven hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and nine thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 21, 1898.

Chap. 76 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BARNSTABLE.County tax,
Barnstable.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Barnstable for the year eighteen hundred and ninety-eight:—

For interest on county debt, a sum not exceeding six hundred dollars.

For reduction of county debt, a sum not exceeding nine hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding five thousand three hundred and fifty dollars.

For clerical assistance in county offices, a sum not exceeding one thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding four thousand one hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding four thousand dollars.

For criminal costs in the superior court, a sum not exceeding two thousand five hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding one thousand five hundred dollars.

For transportation expenses of county and special commissioners, a sum not exceeding three hundred and fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding nine hundred dollars.

For auditors, masters and referees, a sum not exceeding three hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding three thousand dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding one thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding nine thousand five hundred dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the

current year, in the manner provided by law, the sum of thirty thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 21, 1898.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF DUKES *Chap. 77*
COUNTY.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Dukes County for the year eighteen hundred and ninety-eight: —

County tax,
Dukes County.

For interest on county debt, a sum not exceeding two hundred and fifty dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding two thousand two hundred and twenty-five dollars.

For clerical assistance in county offices, a sum not exceeding three hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eight hundred dollars, including eight dollars and twenty-five cents to pay bills due and unpaid.

For criminal costs in the superior court, a sum not exceeding two hundred dollars.

For trial justices, a sum not exceeding three hundred dollars, including twenty-one dollars and fifty cents to pay bills due and unpaid.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding nine hundred dollars.

For transportation expenses of county and special commissioners, a sum not exceeding fifty dollars, including twenty-five dollars and fifty cents to pay bills due and unpaid.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one hundred dollars.

For auditors, masters and referees, a sum not exceeding one hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding three hundred dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding five hundred dollars, including twenty-four dollars and seventy cents to pay bills due and unpaid.

For highways, bridges and land damages, a sum not exceeding two thousand five hundred dollars.

County tax,
Dukes County.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five hundred dollars, including twenty-two dollars and seventy-five cents to pay bills due and unpaid.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of nine thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 21, 1898.

Chap. 78 RESOLVE INSTRUCTING THE BUREAU OF STATISTICS OF LABOR TO INVESTIGATE THE SUBJECT OF LABOR AND CO-OPERATIVE INSURANCE.

Labor and co-
operative
insurance,
investigation of.

Resolved, That the bureau of statistics of labor be and is hereby instructed to make an investigation into the subject-matter of labor and co-operative insurance and profit sharing, whereby provision is made to secure to employees either a share of the profit, or sick and mortuary benefits, as well as annuities, after a certain period of employment, or after reaching a certain age, and report to the general court as soon as convenient such data and statistics as it may be able to obtain in this country as well as abroad, with such comments or suggestions as may be deemed advisable. The expenses of such investigation, which shall not exceed the sum of one thousand dollars, shall be paid from the treasury of the Commonwealth.

Approved April 22, 1898.

Chap. 79 RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE NORTHAMPTON LUNATIC HOSPITAL.

Northampton
lunatic hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding forty-five thousand dollars, to be expended at the state lunatic hospital at Northampton under the direction of the trustees thereof, for the following purposes, to wit: — On the first floor, for construction and improvements in the administration building, for a new dispensary and enlarging the dining room for employees; on the second floor, for a dining room for assistants, a work room, a library, a laboratory, and a corridor leading to the new chapel; on the third floor, for six rooms for sleeping and work rooms, and a corridor leading to the balcony of the new chapel;

in the rotunda, for new floors, fireproof stairways, and ventilation flues, a sum not exceeding thirty-three thousand seven hundred and fifty dollars; for renovating the store room, and for constructing food cars and car tracks, and a scullery and morgue in the basement, a sum not exceeding five thousand dollars; for an addition to the south wing closets, lavatories and baths, a sum not exceeding thirty-five hundred dollars; for the equipment of the laboratory with scientific instruments, a sum not exceeding seven hundred and fifty dollars; and for pumping plant and an addition to the electric plant for heating flatirons and lighting purposes, a sum not exceeding two thousand dollars.

Approved April 22, 1898.

RESOLVE IN FAVOR OF WILLIAM T. EATON.

Chap. 80

Resolved, That there be allowed and paid out of the Metropolitan Parks Loan Fund to William T. Eaton of Boston the sum of thirteen hundred and seventy-four dollars, as compensation for loss sustained by him by reason of an error in the contract for building the public bath houses at Revere Beach for the board of metropolitan park commissioners.

William T.
Eaton.

Approved April 29, 1898.

RESOLVE TO PROVIDE ADDITIONAL SHOP ROOM AT THE STATE PRISON.

Chap. 81

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended by the warden of the state prison, with the approval of the general superintendent of prisons, in erecting in the yard of said prison a shop building suitable for the employment of prisoners upon industries that can be prosecuted by hand labor.

Shop room at
the state prison.

Approved May 2, 1898.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE FARM.

Chap. 82

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-three thousand dollars, to be expended at the state farm under the direction of the trustees and superintendent, for the following purposes:—For heating, lighting and plumbing the new prison building, a sum

Improvements
at the state
farm.

not exceeding eight thousand dollars; for new stock and storage barns, a sum not exceeding ten thousand dollars; for water filtration, a sum not exceeding three thousand dollars; and for the enlargement of the kitchen and fixtures, a sum not exceeding two thousand dollars.

Approved May 5, 1898.

Chap. 83 RESOLVE RELATIVE TO THE PRICE AT WHICH COPIES OF THE BRADFORD HISTORY MAY BE SOLD.

Bradford's
History of the
Plymouth
Plantation.

Resolved, That the price of such copies of Bradford's History of the Plymouth Plantation as may be sold by the secretary of the Commonwealth in accordance with the provisions of chapter sixty-eight of the resolves of the current year shall be one dollar a copy.

Approved May 13, 1898.

Chap. 84 RESOLVE RELATIVE TO THE COLLECTION OF PORTRAITS OF PRESIDENTS OF THE SENATE.

Portraits of
presidents of
the senate.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, to be expended under the direction of the president of the senate for the purpose of obtaining photographs of uniform size of former presidents of the senate, and of framing all the photographs in uniform style and marking the frames with names and dates.

Approved May 13, 1898.

Chap. 85 RESOLVE TO PROVIDE FOR THE PURCHASE OF APPARATUS TO BE USED AT POLLING PLACES IN THE CANVASS AND COUNT OF VOTES.

Apparatus for
canvassing and
counting votes.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended under the direction of the secretary of the Commonwealth, to provide cities and towns with suitable apparatus to be approved by the secretary, treasurer and auditor of the Commonwealth, or by a majority of them, for use at each polling place by election officers in the canvass and count of votes, as provided for by section one hundred and twenty-three of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three.

Approved May 13, 1898.

RESOLVE RELATIVE TO A SEWAGE PLANT FOR THE DANVERS
LUNATIC HOSPITAL. *Chap. 86*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, in addition to the amount authorized by chapter seventy of the resolves of the year eighteen hundred and ninety-seven, to be expended under the direction of the trustees of the Danvers lunatic hospital, for providing a sewage plant for said institution, as recommended and approved by the state board of health.

Approved May 17, 1898.

RESOLVE TO PROVIDE FOR FURNISHING THE NEW BUILDING AT THE
WESTBOROUGH INSANE HOSPITAL. *Chap. 87*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding nine thousand five hundred dollars, to be expended under the direction of the trustees of the Westborough insane hospital, for furnishing the new building at said hospital.

Approved May 17, 1898.

RESOLVE TO PROVIDE FOR THE PURCHASE OF FIELD GUNS AND
EQUIPMENTS FOR THE USE OF THE VOLUNTEER MILITIA. *Chap. 88*

Resolved, That the governor is hereby authorized and requested to purchase for the Commonwealth from the ordnance department of the United States army, or from any other proper representative of the government of the United States, three batteries of four modern field guns each, with carriages and all other suitable equipments, and, in the name and in behalf of the Commonwealth, to enter into any contract with the United States authorities relative to furnishing the Commonwealth with said guns, carriages and equipments. There may be expended from the appropriation of five hundred thousand dollars for war purposes a sum not exceeding fifty-two thousand dollars to carry out the provisions of this resolve. In case the governor should find it necessary to use the entire appropriation of five hundred thousand dollars for other purposes the sum herein provided for may be paid from the treasury of the Commonwealth.

Approved May 17, 1898.

Chap. 89Annie M.
Brooks.

RESOLVE IN FAVOR OF ANNIE M. BROOKS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Annie M. Brooks of Boston the sum of two thousand dollars, in full compensation for injuries to her lodging house, situated at number eight, Mount Vernon street, in the city of Boston, resulting from the tearing down and rebuilding of the state house.

Approved May 17, 1898.

Chap. 90Town of Plain-
field.

RESOLVE IN FAVOR OF THE TOWN OF PLAINFIELD.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Plainfield the sum of three hundred and thirty dollars, to reimburse said town for expenses incurred by it on account of a certain pauper.

Approved May 17, 1898.

Chap. 91International
exposition at
Paris.RESOLVE RELATIVE TO THE PARTICIPATION OF THE COMMONWEALTH
IN THE INTERNATIONAL EXPOSITION AT PARIS.

Resolved, That for the purpose of exhibiting the resources, products and general development of the Commonwealth at the international exposition at Paris in the year nineteen hundred, a board of Paris Exposition Managers of Massachusetts, consisting of eight residents of the Commonwealth, shall be appointed by the governor by and with the consent of the council. Said board shall have charge of the interests of the Commonwealth and its citizens in the preparation and exhibition at the international exposition at Paris in the year nineteen hundred, of the natural and industrial products of the Commonwealth, and of objects illustrating its history, progress, and material welfare and development, and of all other matters relating to the said exposition. Said board shall communicate with the officers of said exposition, and obtain and disseminate through the Commonwealth all necessary information regarding it, and in general shall have and exercise full authority in relation to the participation of the Commonwealth and its citizens in said exposition. Said board is also authorized in its discretion to confer and co-operate with similar boards or commissions appointed by the federal government or by the authorities of the several states. The members of said board shall receive no compensation for their services, but the board

may appoint a secretary, who shall receive from the treasury of the Commonwealth such compensation as may be determined by said board, with the approval of the governor and council. Said board shall be provided with proper rooms in the state house or in buildings adjacent thereto. To carry out the provisions of this resolve a sum not exceeding ten thousand dollars may be expended during the current year, under the direction of the governor and council.

Approved May 17, 1898.

RESOLVE IN FAVOR OF SADIE B. BELYEA.

Chap. 92

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Sadie B. Belyea the sum of one hundred twenty-one dollars and twenty cents, for professional services rendered to Sarah Jane Robinson, a prisoner serving a life sentence in the jail at Lowell.

Sadie B.
Belyea.

Approved May 20, 1898.

RESOLVE TO CONFIRM THE ACTS OF WALTER PERLEY HALL AS A JUSTICE OF THE PEACE.

Chap. 93

Resolved, That all acts done by Walter Perley Hall of Fitchburg as a justice of the peace, between the twentieth day of September in the year eighteen hundred and ninety-seven and the ninth day of November in the same year, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Walter Perley
Hall, justice of
the peace, acts
confirmed.

Approved May 20, 1898.

RESOLVE TO PROVIDE FOR THE PAYMENT OF EXPENSES IN CONNECTION WITH THE ESTABLISHMENT OF THE BOUNDARY LINE BETWEEN THIS COMMONWEALTH AND THE STATES OF NEW HAMPSHIRE AND VERMONT.

Chap. 94

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand dollars, for expenses in connection with the establishment of the boundary line between the Commonwealth of Massachusetts and the states of New Hampshire and Vermont, as provided for by chapter one hundred and six of the resolves of the year eighteen hundred and ninety-five.

Boundary line
between Massa-
chusetts and the
states of New
Hampshire and
Vermont.

Approved May 24, 1898.

Chap. 95 RESOLVE TO AUTHORIZE THE PUBLICATION OF THE OPINIONS OF
THE ATTORNEY-GENERAL.

Publication of
opinions of the
attorney-
general.

Resolved, The attorney-general is hereby authorized to collect and publish in a volume, properly indexed and digested, such of the official opinions heretofore published as an appendix to the annual reports of the attorney-general as he may deem to be of public interest or useful for reference. The volumes so published shall be distributed and disposed of in the manner provided by chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-six for the distribution and disposal of the reports of capital cases. A sum not exceeding two thousand dollars may be expended in carrying out the provisions of this resolve.

Approved May 24, 1898.

Chap. 96

Lowell textile
school.

RESOLVE IN FAVOR OF THE LOWELL TEXTILE SCHOOL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the Lowell textile school the sum of fifteen thousand dollars, to be applied to the purposes of the textile school established and conducted at Lowell by the said trustees: *provided, however*, that no portion of the sum herein authorized shall be paid until satisfactory evidence shall be furnished to the auditor of accounts that an additional sum of five thousand dollars has been paid to the said trustees by the city of Lowell, or received from other sources. The city of Lowell is hereby authorized to raise by taxation and pay to said trustees such sum of money, not exceeding five thousand dollars, as may be necessary to secure the amount provided for by this resolve.

Approved May 24, 1898.

Chap. 97 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE
NORMAL SCHOOL AT LOWELL.

State normal
school at
Lowell.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended at the state normal school at Lowell under the direction of the state board of education, for building sidewalks about the grounds of said school.

Approved May 24, 1898.

RESOLVE TO PROVIDE FOR THE PURCHASE OF LAND FOR THE STATE
NORMAL SCHOOL AT NORTH ADAMS.

Chap. 98

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen thousand dollars, to be expended under the direction of the state board of education for the purchase of additional land for the use of the state normal school at North Adams: *provided, however*, that no portion of the sum herein authorized shall be paid until satisfactory evidence shall be furnished to the auditor of accounts that an additional sum of five thousand dollars has been placed at the disposal of said school by the city of North Adams or from other sources; and *provided, further*, that so much of the amount herein authorized as may be necessary shall be used for properly grading the land owned and occupied by said school. The city of North Adams is hereby authorized to raise by taxation and expend for the benefit of said school such sum of money not exceeding five thousand dollars as may be necessary to secure the amount provided for by this resolve. *Approved May 24, 1898.*

State normal
school at North
Adams.RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE WORCESTER
LUNATIC HOSPITAL.

Chap. 99

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding sixty-nine thousand dollars, to be expended at the Worcester lunatic hospital under the direction of the trustees thereof, for the following purposes: — For building a new administration building, a sum not exceeding forty thousand dollars; for building a new kitchen, a sum not exceeding eighteen thousand dollars; and for the extension of the boiler house and boilers for the same, a sum not exceeding eleven thousand dollars: *provided, however*, that not more than thirty-nine thousand dollars of the amount herein authorized shall be expended during the year eighteen hundred and ninety-eight.

Worcester
lunatic hospital.*Approved May 26, 1898.*RESOLVE TO PROVIDE FOR THE PURCHASE OF LAND AT THE WESTBOROUGH
INSANE HOSPITAL.

Chap. 100

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding forty-four hundred forty-two dollars and thirty-two cents, to be

Westborough
insane hospital.

expended at the Westborough insane hospital under the direction of the trustees thereof, for the following purposes: — For the purchase of the Houghton farm, a sum not exceeding twenty-seven hundred dollars; for the purchase of the Heath pasture, a sum not exceeding sixteen hundred dollars; and for a small lot of land already purchased by said trustees, the sum of one hundred forty-two dollars and thirty-two cents. Chapter sixty-three of the resolves of the year eighteen hundred and ninety-eight is hereby repealed.

Approved May 27, 1898.

Chap. 101 RESOLVE RELATIVE TO A PLAN FOR THE CONSOLIDATION OF CERTAIN GAS COMPANIES.

Consolidation
of gas com-
panies.

Resolved, That the board of gas and electric light commissioners is hereby requested to consider and report to the next general court a plan for the union or consolidation of the corporations engaged in supplying gas in the city of Boston, or of such of them as said board may deem it advisable to unite in a single corporation.

Approved June 2, 1898.

Chap. 102 RESOLVE RELATIVE TO THE TRANS-MISSISSIPPI EXPOSITION.

Trans-Missis-
sippi Exposi-
tion.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six thousand dollars, to be expended under the direction of the governor and council to enable the Commonwealth to be represented, after the prorogation of the present session of the general court, at the Trans-Mississippi Exposition, to be held in the city of Omaha, in the state of Nebraska, beginning on the first day of June in the year eighteen hundred and ninety-eight, by the following officials: — His excellency the governor or his honor the lieutenant governor, four members of the staff of his excellency the governor, three members of the executive council, one of the secretaries in the executive department, the secretary, treasurer, auditor and attorney-general of the Commonwealth, the president and clerk of the senate, the speaker and clerk of the house of representatives, the joint committee on federal relations, a special committee of four members of the senate and ten of the house to be appointed by the presiding officers of the two branches, respectively, and the sergeant-at-arms.

Approved June 2, 1898.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MED-
FIELD INSANE ASYLUM.

Chap.103

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen thousand dollars, to be expended at the Medfield insane asylum under the direction of the trustees thereof, for a new building for the administration of the mechanical departments of the asylum, or for an addition to the present engine room.

Medfield insane
asylum.*Approved June 6, 1898.*RESOLVE RELATIVE TO REOPENING THE CONNECTICUT RIVER TO
NAVIGATION.

Chap.104

Resolved, That the sum of two thousand dollars be allowed and paid out of the treasury of the Commonwealth for the purpose of securing a favorable consideration by the congress of the United States of the reopening of the Connecticut river to navigation, to be expended under the direction of the governor and council to meet the necessary expenses of the harbor and land commissioners in appearing before the proper committees of congress to present the advantages that would accrue to the Commonwealth by the restoration of such navigation, and for the necessary expenses of the governor or such person or persons as he shall designate to represent the Commonwealth on the occasion of the visit of the committee of congress on rivers and harbors whenever such committee shall visit the Commonwealth in the consideration of the reopening of the Connecticut river.

Navigation of
the Connecticut
river.*Approved June 6, 1898.*RESOLVE IN FAVOR OF THE NEW ENGLAND INDUSTRIAL SCHOOL
FOR DEAF MUTES.

Chap.105

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of The New England Industrial School for Deaf Mutes in the city of Beverly the sum of five thousand dollars, twenty-five hundred dollars to be used for educational purposes and the remainder for the payment of the indebtedness of said institution: *provided, however*, that no portion of the sum herein authorized for the payment of the indebtedness of said institution shall be paid until satisfac-

New England
Industrial
School for
Deaf Mutes.

tory evidence shall be furnished the auditor of accounts that an additional sum of twenty-five hundred dollars has been received by said trustees from other sources.

Approved June 6, 1898.

Chap.106 RESOLVE RELATIVE TO STATE HIGHWAYS IN THE CITIES OF BEVERLY AND GLOUCESTER AND THE TOWNS OF MANCHESTER AND ROCKPORT.

State highways
in Beverly,
Gloucester, etc.

Resolved, That the Massachusetts highway commission is hereby authorized and instructed to make a plan showing the line and grade of the highway passing through the cities of Beverly and Gloucester and the towns of Manchester and Rockport, and known as Hale street, Bridge street, Central street, Union street, Washington street, Summer street, Western avenue and Main street, to Railroad avenue in the town of Rockport.

Approved June 7, 1898.

Chap.107 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE ALMSHOUSE.

State alms-
house.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding sixty thousand nine hundred and thirty dollars, to be expended at the state alms-house under the direction of the superintendent and trustees, for the following purposes:—For building a hospital for consumptives, a sum not exceeding fifty thousand dollars; for making changes in the old portion of the men's hospital, a sum not exceeding four thousand nine hundred and thirty dollars; for a new engine and dynamo, a sum not exceeding twenty-five hundred dollars; and for painting the outside of the buildings, a sum not exceeding thirty-five hundred dollars: *provided, however*, that not more than twenty-five thousand dollars shall be expended for building the hospital for consumptives during the year eighteen hundred and ninety-eight.

Approved June 9, 1898.

Chap.108 RESOLVE RELATIVE TO THE REIMBURSEMENT OF TOWNS FOR THE TRANSPORTING OF CERTAIN PUPILS TO AND FROM THE PUBLIC SCHOOLS.

Transportation
of pupils to
and from the
public schools.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to such towns as have defrayed the cost of transporting to and from a public

school any child whose tuition is payable by the Commonwealth under the provisions of chapter three hundred and eighty-two of the acts of the year eighteen hundred and ninety-six, between the first day of April in the year eighteen hundred and ninety-six and the first day of September in the year eighteen hundred and ninety-eight, for each week of five days or major part thereof, a sum equal to the average amount per child paid by said city or town per week for the transporting of children to and from school over the route by which such child is conveyed, not to exceed in any case the sum of fifty cents per week of five days or major part thereof, for each child so transported. *Approved June 9, 1898.*

RESOLVE IN FAVOR OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 109

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-eight thousand dollars, to be expended at the Massachusetts Agricultural College under the direction of its trustees, for the following purposes, to wit: — For the erection and equipment of a veterinary laboratory and stable hospital in connection therewith, a sum not exceeding twenty-five thousand dollars; for supplying apparatus and material to the chemical department, a sum not exceeding one thousand dollars; and for providing a small building and equipment for investigation of dairy problems in the department known as the “Experiment Department” of the college, a sum not exceeding two thousand dollars. From and after the first day of January in the year eighteen hundred and ninety-nine there shall be allowed and paid annually from the treasury of the Commonwealth the sum of one thousand dollars, as a maintenance fund for the veterinary laboratory, to provide means of instruction and to carry on investigations of the diseases of domestic animals.

Massachusetts
Agricultural
College.

Approved June 14, 1898.

RESOLVE TO PROVIDE FOR AN ADDITION TO THE NORMAL ART SCHOOL BUILDING IN THE CITY OF BOSTON.

Chap. 110

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of thirty-five thousand dollars, for the purpose of erecting an addi-

Normal art
school building.

tion to the normal art school building in the city of Boston, said sum to be expended under the direction of the state board of education. *Approved June 14, 1898.*

Chap.111 RESOLVE RELATIVE TO CERTAIN EXPENSES TO BE INCURRED BY THE CHIEF OF THE DISTRICT POLICE IN ENFORCING THE LAWS RELATIVE TO INLAND FISHERIES AND GAME.

Enforcement of fish and game laws.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended by the chief of the district police for the purpose of leasing and paying the running expenses of a suitable boat to be used temporarily in the enforcement of the laws relative to inland fisheries and game, until the new boat now under construction is completed, and for the purpose of fitting up the new boat when completed and paying its running expenses during the present year. *Approved June 14, 1898.*

Chap.112 RESOLVE TO PROVIDE FOR PRINTING ADDITIONAL COPIES OF BRADFORD'S HISTORY OF THE PLYMOUTH PLANTATION.

Bradford's History of the Plymouth Plantation.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to provide for printing four thousand additional copies of Bradford's History of the Plymouth Plantation. From the additional copies so printed each member and officer of the general court for the year eighteen hundred and ninety-eight shall receive twelve copies, in addition to the number already allowed to said members and officers; each doorkeeper, messenger and page shall receive two copies; and each grand jury post in this Commonwealth shall receive one copy. The residue shall be distributed under the direction of the secretary of the Commonwealth. *Approved June 14, 1898.*

Chap.113 RESOLVE TO PROVIDE FOR THE ERECTION OF A MONUMENT ON DORCHESTER HEIGHTS.

Monument on Dorchester Heights.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five thousand dollars, to be expended under the direction of the governor and council for the erection of a monument on Dorchester Heights, in the city of Boston, to commemorate the construction on said heights by General George Washington and his little army, of a redoubt,

which caused the British troops under the command of General Howe to evacuate Boston: *provided, however*, that no part of said sum shall be expended until the city of Boston shall have provided, without expense to the Commonwealth, a site satisfactory to the governor and council, for the erection of said monument, and shall have agreed to keep said site open and accessible to the public, under such reasonable regulations as may be necessary to protect said monument from injury, and until said city shall also have agreed to keep at its own expense said site and said monument, after its erection, in proper condition and repair.

Approved June 14, 1898.

RESOLVE IN FAVOR OF THE WOMAN'S CHARITY CLUB.

Chap.114

Resolved, That the sum of fifteen thousand dollars be allowed and paid out of the treasury of the Commonwealth to the Woman's Charity Club, to be expended by the managers thereof for the purpose of liquidating the indebtedness on the buildings of the hospital maintained by said club; and said managers shall make report to the state board of lunacy and charity.

Woman's
Charity Club.

Approved June 20, 1898.

RESOLVE TO PROVIDE FOR PRESERVING WAR RECORDS IN THE OFFICE OF THE ADJUTANT GENERAL.

Chap.115

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, to be expended by the adjutant general in preserving war records worn by age and use.

War records.

Approved June 21, 1898.

RESOLVE RELATIVE TO THE COMPENSATION FOR TRAVEL AND ATTENDANCE OF DAVID B. SHAW, SENATOR FROM THE SECOND SUFFOLK DISTRICT.

Chap.116

Resolved, That David B. Shaw, senator from the second Suffolk district, be allowed the same compensation for travel and attendance for the current session that is provided by section four of chapter fifty-nine of the acts of the year eighteen hundred and ninety-two for members of the senate and house of representatives for the regular annual session.

David B. Shaw,
senator, second
Suffolk district.

Approved June 21, 1898.

Chap.117 RESOLVE TO AUTHORIZE THE GOVERNOR TO PURCHASE A STEAMER
FOR HOSPITAL PURPOSES.

Purchase of
steamer for
hospital pur-
poses.

Resolved, That the governor is hereby authorized, in his discretion, to expend from any appropriation heretofore made at the present session of the general court and to be expended under the direction of the commander-in-chief for military and naval expenses, a sum not exceeding fifty thousand dollars, to purchase, for the use of the Massachusetts volunteer aid association, a suitable steamer to be used for hospital purposes during the present war, said steamer to be sold after the declaration of peace, and the proceeds thereof to be paid into the treasury of the Commonwealth.

Approved June 23, 1898.

Chap.118 RESOLVE TO CONFIRM THE ACTS OF JOHN A. BOND AS A NOTARY
PUBLIC.

John A. Bond,
notary public,
acts confirmed.

Resolved, That all the acts of John A. Bond of North Adams as a notary public, between the fourth day of March in the year eighteen hundred and ninety-seven and the twenty-second day of June in the year eighteen hundred and ninety-eight, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved June 23, 1898.

Chap.119 RESOLVE IN FAVOR OF THE BROTHERS OF HENRY S. FINAN.

Brothers of
Henry S. Finan

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Bernard F. Finan and Walter J. Finan, brothers of the late Henry S. Finan, who was an employee of the Commonwealth in the office of the sergeant-at-arms, the sum of two hundred and forty dollars, being the amount said Henry S. Finan would have been entitled to receive had he lived to perform the services of such employee to the end of the year eighteen hundred and ninety-seven.

Approved June 23, 1898.

RESOLUTIONS.

RESOLUTION ON THE ILLNESS OF THE HONORABLE JAMES E. HAYES.

Whereas, We have heard with deep regret of the serious illness of one of our fellow members, the Honorable James E. Hayes of Suffolk,

On the illness
of James E.
Hayes.

Therefore, be it resolved, That we extend to him our sincere sympathy and that we earnestly wish that he may speedily recover and be able to return to duty in this senate.

In Senate, adopted, February 4, 1898.

RESOLUTIONS RELATIVE TO THE DEATH OF JAMES E. HAYES SENATOR FROM THE SECOND SUFFOLK DISTRICT.

Resolved, That the senate has learned with great sorrow of the death of the Honorable James E. Hayes, the senator from the second Suffolk district. He had not yet reached middle life, but was suddenly taken away in the full vigor of early manhood. He had held many important public trusts, and, by the manly and genial traits of his character, he had gained the warm and earnest friendship not only of his associates in the senate, but of a wide circle in the metropolis where he was born and where his whole life had been spent in the faithful and able discharge of public and private duty.

On the death
of James E.
Hayes.

Seldom has the future seemed so full of promise as it was for our lamented associate at the commencement of the present session of the senate. We deeply lament the loss which his death has brought not only to us and to his relatives and intimate friends, but to the Commonwealth.

Resolved, That we extend to his family our sincere sympathy in their bereavement, and that the senate will attend the funeral of our fellow member.

Resolved, That the clerk of the senate be directed to transmit a copy of these resolutions to the family of our late associate, and that from respect to his memory the senate do now adjourn.

In Senate, adopted, February 8, 1898.

RESOLUTIONS FAVORING NATIONAL LEGISLATION FOR PROTECTING
THE INSIGNIA OF THE RED CROSS.

Favoring
national legisla-
tion for pro-
tecting the in-
signia of the
Red Cross.

Resolved, That the senators and representatives of the Commonwealth of Massachusetts, in general court assembled, hereby request the senators and representatives of the Commonwealth in congress to secure, if possible, the passage of an act to protect from unauthorized or improper use the insignia of the Red Cross, adopted at Geneva in the year eighteen hundred and sixty-four by convention for the amelioration of the condition of soldiers wounded in battle, and acceded to by the United States on the first day of March in the year eighteen hundred and eighty-two.

Resolved, That properly attested copies of these resolutions be forwarded by the secretary of the Commonwealth to each of the senators and representatives in congress from this Commonwealth.

In Senate, adopted, February 14, 1898.

In House of Representatives, adopted in concurrence, February 17, 1898.

RESOLUTIONS RELATIVE TO THE FRIGATE CONSTITUTION.

Frigate Consti-
tution.

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts hereby request the senators and representatives of the Commonwealth in congress to urge such action as may result in the preservation of the frigate Constitution, now lying in Boston harbor; suggesting that the vessel be placed on permanent ways in Charlestown navy yard, or elsewhere, and that a fireproof structure be erected over her, thus insuring her preservation and final location as an object of patriotic interest.

Resolved, That a copy of these resolutions, properly attested, be transmitted by the secretary of the Commonwealth to each of the senators and representatives in congress from this Commonwealth.

In Senate, adopted, February 17, 1898.

In House of Representatives, adopted in concurrence, February 23, 1898.

RESOLUTION OF SYMPATHY TO REPRESENTATIVE BURRILL PORTER, JR.

On the illness
of Burrill
Porter, Jr.

Resolved, That the members of the house of representatives have learned with sorrow and profound sympathy of the serious illness of their friend and associate, Burrill Porter, Jr., of North Attleborough. We cherish the hope

of his speedy recovery and return to the Massachusetts legislature of which he has been for so many years an intelligent, painstaking and conscientious member.

In House of Representatives, adopted, March 9, 1898.

RESOLUTIONS RELATIVE TO AN AMENDMENT TO THE NATIONAL CONSTITUTION ENABLING CONGRESS TO ENACT LAWS REGULATING THE HOURS OF LABOR.

Resolved, That, in the opinion of the general court of Massachusetts, it is desirable that the constitution of the United States should be so amended as to place it clearly within the power of congress to enact laws regulating the hours of labor in the several states according to some uniform system; and the senators and representatives of this Commonwealth in congress are hereby requested to use their influence to secure the adoption of the resolution proposing such an amendment to the constitution, which is now pending.

In favor of national legislation regulating the hours of labor.

Resolved, That properly attested copies of these resolutions be forwarded by the secretary of the Commonwealth to the presiding officers of both branches of congress, and also to the senators and representatives in congress from this Commonwealth.

In House of Representatives, adopted, March 11, 1898.

In Senate, adopted in concurrence, March 16, 1898.

MEMORIAL RELATIVE TO THE EXTERMINATION OF THE GYPSY MOTH.

To the honorable senate and house of representatives in congress assembled.

The general court of Massachusetts now in session desire to memorialize your honorable bodies that you will grant an appropriation to assist in the work of exterminating the gypsy moth in this Commonwealth.

Extermination of the gypsy moth.

In the last session of congress an appropriation was made providing for "an investigation into the ravages of the gypsy moth." This investigation has been made by Prof. L. O. Howard, entomologist, of Washington, D. C., in a very thorough manner. The report has been issued by the department of agriculture and contains many words of praise for the work which Massachusetts has accomplished. He says: "It is true that a large amount of money has been expended, and it is also true that much more money must be expended before extermination can

be accomplished; but it is undoubtedly safe to say that the money which has been and will be spent by the state in this work is but as a drop in the bucket to the loss which would have been occasioned by the insect had it been allowed to spread unchecked.

“The loss would have fallen not only upon the state of Massachusetts, but upon other states of the Union, so that we may say that the state work has not only been wisely done, but that it has been patriotically done.

“The simple fact that it has unquestionably been exterminated over considerable stretches of territory, and that extensive colonies existing in the most disadvantageous territory for the prosecution of remedial work have been so thoroughly destroyed that not an individual moth has been found for three years with the most rigid annual inspection, is sufficient proof of this possibility, for what can be done for one section can be done for all, if the means be sufficient. . . . A continuation of the appropriations for a few more years is unquestionably a necessity.”

Were the appropriation to lapse a single year, the work which has been done during the past six years would be largely lost.

The \$775,000 already appropriated would have been spent in vain.

At a meeting of the Association of Economic Entomologists held in Detroit Aug. 12 and 13, 1897, the following preamble and resolve were unanimously adopted:—

Whereas, The Association of Economic Entomologists is familiar with the efforts being made by the state of Massachusetts to exterminate the gypsy moth; and

Whereas, On two former occasions it has endorsed this undertaking by public resolutions; and

Whereas, The existence of the gypsy moth in Massachusetts is a standing menace, not only to the agricultural and forestry interests of that state, but to those of the country at large; therefore, be it

Resolved, That this association would urge upon the people of Massachusetts the danger of dilatory measures, and the wisdom and great importance of providing liberally for the work of exterminating the gypsy moth.

At the National Farmers' Congress held at St. Paul, Aug. 31 to Sept. 1, 1897, the matter, as in former years, was considered, and the following resolve adopted:—

Resolved, That the efforts of the Commonwealth of Massachusetts in endeavoring to exterminate the imported pest known as the gypsy moth meet with our hearty approval, and we, members of the farmers' national congress, assembled at St. Paul, earnestly appeal to the congress of the United States to aid our sister state in exterminating what is liable to be a national pest if neglected.

The unaided efforts of Massachusetts to check the ravages of this pest have attracted wide attention and since all authorities agree that it is a menace not only to this state, but to all other states in the Union, we petition your honorable bodies to make an early and liberal appropriation to be expended as you may think best, to assist in the extermination of the gypsy moth in this Commonwealth.

In Senate, adopted, April 1, 1898.

In House of Representatives, adopted in concurrence, April 5, 1898.

RESOLUTION ON CHARLES P. MILLS.

Whereas, The members of the Massachusetts house of representatives learn with deep regret of the continued illness of representative Charles P. Mills of Newburyport, therefore

On the illness
of Charles P.
Mills.

Resolved, That we, his co-workers in the affairs of state, hope and confidently trust that he will be speedily restored to his wonted condition of health, which will enable him to actively resume his useful labors in the community in which he lives, and as a legislator of this Commonwealth.

In House of Representatives, adopted, April 28, 1898.

RESOLUTIONS ON THE DEATH OF THE HONORABLE ELIJAH A. MORSE

Whereas, The recent decease of the Honorable Elijah A. Morse has removed one of the leading citizens of this Commonwealth

On the death
of Elijah A.
Morse.

Resolved, That in the death of this distinguished public man this Commonwealth has experienced a great loss. Although retired during the last few years from active public life his eminent services to the Commonwealth and to the nation have not been forgotten. As a member both of the house and of the senate of this Commonwealth he stood foremost among those who supported with voice and

influence those measures which were for the best interests of the public. As a member of the national legislature he continued to advocate the same noble principles and left a record of life-long devotion to high ideals. In these times of war the Commonwealth is also mindful of his devotion to his country as shown by his prompt enlistment as a young man in the union army during the war of the rebellion and his honorable service as a soldier in the field.

Resolved, That copies of these resolutions, properly attested, be transmitted to the family of the deceased as a token of our sympathy with those who are left to mourn a private as well as a public loss.

In House of Representatives, adopted, June 9, 1898.

In Senate, adopted in concurrence, June 20, 1898.

The general court of 1898, during its annual session, passed 580 acts and 119 resolves which received the approval of his excellency the governor.

Two acts entitled respectively, "An Act relative to appointments in the fire department of the city of Boston," and "An Act to reorganize the board of aldermen and common council of the city of Boston," and one resolve entitled, "A Resolve in favor of George P. Smith" were passed and laid before the governor for his approval, and were returned, with objections thereto, to the branch in which they originated; were reconsidered, and the vote being taken on passing the same, the objections of the governor to the contrary notwithstanding, they were rejected, two thirds of the members present and voting thereon not having voted in the affirmative.

The general court was prorogued on Thursday, June 23, at 10.41 P.M., the session having occupied 170 days.

INAUGURAL ADDRESS
OF
HIS EXCELLENCY ROGER WOLCOTT.

At twelve o'clock on Thursday, the sixth day of January, his excellency the governor, accompanied by his honor the lieutenant governor, the members of the executive council, and officers of the civil and military departments of the government, attended by a joint committee of the two houses, met the senate and house of representatives, in convention, and delivered the following

ADDRESS.

Members of the General Court of Massachusetts:

The year which has just closed has been one of tranquil and orderly administration of the affairs of the Commonwealth. If it has not been one of great prosperity it has at least been without serious calamity. While however it has not been marked by occurrences of a startling or unexpected character it has yet witnessed events of a nature calculated to stimulate patriotism, and to strengthen those sentiments of deep gratitude and veneration towards the founders of the Republic which are a precious heritage from the past. The Commonwealth was officially represented at the impressive pageant which attended the dedication of the Grant monument in the city of New York, and also at the interesting exposition which commemorated the centennial anniversary of the admission into the Union of the state of Tennessee. On the fourth day of March official and ceremonial notice was taken of the inauguration, one hundred years ago, of the first president given by the Commonwealth to the nation. In May the delivery into the custody of the Commonwealth, through

an act of generous international courtesy on the part of Great Britain, of the priceless manuscript history of the Plimouth Plantation by Gov. William Bradford, was made the occasion of services in this chamber which expressed the appreciative gratitude with which the gift was received by the people of Massachusetts. Later in the same month the Commonwealth took part in the solemn services attending the unveiling of the beautiful monument on Boston Common, facing the state house, which for all time will commemorate the valor of the Fifty-fourth Regiment, Massachusetts Volunteers, and of its heroic commander. In the autumn the return to Boston harbor of the old frigate "Constitution," the most famous vessel of the navy of the United States, on the one hundredth anniversary of her launching, was fittingly celebrated by a military and naval display and by the eloquent rehearsal of her victories. Such acts of commemoration speak to the heart of our people, and quicken the pulse of loyalty to the nation's honor.

The improved condition which was noted at the beginning of the year has been maintained in many branches of business, and there is reason to believe that it will become more general during the present year, but the great manufacturing interests of Massachusetts are not yet restored to a footing of assured prosperity. Until this be the case the rewards both of labor and of capital will continue uncertain, and final and complete recovery from the long period of business depression and loss through which we have passed will be delayed. Under these circumstances the practice of rigid economy in both private and public expenditure is still the enforced lesson of the time, and the paramount duty of the Commonwealth as well as of the individual citizen.

I shall mention later a limited number of matters of importance which this session of the legislature will be called upon to consider, referring you for more complete information to the reports of the several departments. But the experience of another year has served to strengthen my opinion of the lack of adequate public necessity for a considerable portion of the legislation yearly enacted. I trust that a generous share of your watchfulness for the public good may be devoted to the defeat of unnecessary legislation, in support of which there is no general public demand and no clear justification.

The closing hours of a legislative session are a time of great strain and embarrassment to the executive. There are annually presented to him for executive approval, during the final night of the session, a large number of bills, including often some of the most complex and difficult bills which the session has produced, action upon which has been delayed by the legislature, owing in some cases perhaps to their inability to deal with them at an earlier date; and yet the executive is expected to pass final judgment upon the merits of many such in a single night; the only alternative left him being to keep the legislature in session, after they have no further business to occupy them, up to the constitutional limit of time allowed him for the examination of bills. Nor in many of the most difficult cases is it possible for the executive, by keeping informed in advance of the bills which are likely to be laid before him, to be prepared to act upon them without delay. Many of those to which he may have given the most careful study are rejected on their final passage, while upon others are engrafted so many and such important amendments as to change entirely their purport and the correlation of their parts. I ask that, as the session nears its close, you will extend to the executive the consideration of endeavoring not to impose upon him duties which it is well-nigh impossible for him rightly to perform.

STATE DEBT.

The following figures show the recent rapid increase of the State debt:—

Net debt Jan. 1, 1895,	\$4,377,663 19
Net debt Jan. 1, 1896,	6,140,380 10
Net debt Jan. 1, 1897,	10,766,648 02
Net debt Jan. 1, 1898,	12,462,378 82

In this statement the net debt signifies the net direct funded debt of the Commonwealth, after deduction from the gross debt of the several sinking funds in the hands of the treasurer, and also of the contingent debt, the latter being the amount of indebtedness incurred by the Commonwealth in behalf of certain cities and towns, and included in its gross debt, but which will ultimately be repaid to the Commonwealth by the municipalities which are the real debtors. The purposes for which the sums

included in the contingent debt were expended are indicated by the titles of the several loans, — metropolitan sewerage, metropolitan parks and metropolitan water. The very large expenditure in which the Commonwealth thus acts as disbursing agent for the so-called metropolitan district was made necessary by the increasing population of this area and by a due regard to the health and comfort of the inhabitants, but the burden of its gradual payment has hardly yet begun to be borne by those who are to reap the benefit of it.

The great increase in the net debt above indicated is chiefly accounted for by the following items: — Purchase of land and construction of the state house extension, including the land bounded by Hancock, Derne, Bowdoin, Beacon and Mt. Vernon streets; restoration of the Bulfinch state house; abolition of grade crossings; improvement of Boston harbor; state highways; and the construction of the Medfield insane asylum and of the two institutions for consumptives and dipsomaniacs. It may be difficult to single out any part of this expenditure as unnecessary or unwise, and yet in the aggregate it has resulted in increasing nearly threefold the net debt of the Commonwealth in the brief term of three years. This result cannot be regarded with indifference. A more healthful condition of the body politic is indicated when the debt of state, city or town is in process of gradual extinction rather than of rapid increase. Increase of debt means increase of burden, and of its added weight each one is compelled directly or indirectly to bear his share. Beyond the continued prosecution of enterprises already begun by the Commonwealth I trust that in the immediate future your honorable bodies may decline to add to the existing debt of the state, and that you may scrutinize with the utmost care, and with a deliberate purpose to confine within reasonable limits, all expenditures of whatever nature which you may be invited to make. Liberality easily passes into extravagance, and this the people of the Commonwealth will not lightly condone.

A considerable portion of the annual legislation of this Commonwealth consists of acts permitting cities and towns for various purposes to exceed the limit of indebtedness fixed by statute. Here too, in the absence of general legislation on the subject, which is much to be desired, I

think that a more stringent scrutiny of such petitions and a less easy compliance with them than has sometimes been accorded in the past would prove a healthful check upon a practice of increasing frequency, and in many cases of doubtful expediency.

STATE INSTITUTIONS.

It has ever been the policy of the Commonwealth to make liberal provision for the relief of the poor and unfortunate, and for the custody and reformation of the vicious. The results of this policy have been in the main highly creditable to the enlightened humanity of her legislation. The charitable, penal and reformatory institutions under the immediate control of the Commonwealth are generally well administered and in excellent condition. Yet, if we would preserve for Massachusetts the high rank among her sister states which has heretofore been accorded her in this important department of responsibility and expenditure, those who are intrusted with the duty of legislation should be prepared at all times to accord a generous measure of their time and thought to such proposed changes in either system or method as may bear the promise of substantial improvement. The report of the commission authorized by chapter 60 of the resolves of 1896 was laid before the legislature of 1897 in its completed form at a somewhat late date in the session, and was found to contain so many and such important recommendations that your predecessors, wisely determining that action should not be hastily taken, referred the final consideration of the report to the present general court.

By the discussion of the report of the commission which was had at the time of its presentation, as well as by statements which have been made to me since, I am led to believe that the weight of opinion among those most fully acquainted with the subject is in favor of final state control of all the pauper insane and of all offenders against the laws of the Commonwealth. It is claimed, and I think with reason, that such state control would result in more complete classification, in greater and more enlightened uniformity of treatment, and in better opportunity for industrial employment than are possible under the present varying methods of municipal and county control. The board of lunacy and charity now has supervision over the

insane wards of the Commonwealth as well as over its charitable institutions and interests. These two functions are not closely related in their nature, and both are constantly increasing in extent and in complexity of development. However faithful the members of this board may be in the performance of their twofold duties it is believed by many that better results would be obtained by a separation of these diverse functions, to the end that each of these departments may receive the exclusive attention of those best fitted by interest and experience to arrive at the wisest solution of its many problems. In the above recommendations of the commission I concur, and I further commend to your careful consideration the other suggestions contained in their report.

In many respects the most important department of charitable work is that which deals with the young. With many other classes of the dependent and unfortunate, whether their condition is due to inheritance, to vice, or to mischance, the problem presented is simply how best to provide for their humane custody and control until death shall bring relief; but with children, even those who begin life under adverse conditions, the problem is at once more difficult and more hopeful. In the interest both of humanity and of a wise economy special effort should be made to render as favorable as possible the opportunities for growth into worthy manhood which the state extends to the children committed to its charge.

The duties of direct administration and of critical supervision are distinct in theory, and are merged in practice only in the case of certain minor wards of the state, of a very limited number of pauper insane and of Indians who have not acquired settlements in any town in the Commonwealth. The two latter classes are insignificant in numbers and are not rapidly increasing. But the first class referred to, consisting of nearly two thousand dependent and neglected children and juvenile offenders, seems to furnish an important exception to the general policy of the Commonwealth, and you are asked to consider whether it is wise that it should continue.

The state prison at Charlestown, the Massachusetts reformatory, and the reformatory prison for women, continue to show the results of wise and humane administration as well as of excellent business management. The state prison is now overcrowded with inmates, and pro-

vision will have to be made at an early day for increased numbers. On the occasion, during the past year, of a desperate attempt to break out of this prison, the conduct both of officers and prisoners was such as to reflect credit upon the discipline of the institution. Humanity and experience alike insist upon the moral and physical importance of the steady industrial employment of all able-bodied prisoners. In consequence of recent legislation certain changes in the prison industries went into effect on the first day of the current month, and these changes will probably make necessary larger appropriations than heretofore for the maintenance of these industries. It is probable that there may be an increase in the manufacture of goods for use in the public institutions of the Commonwealth, and, in order to carry out the purpose of the legislature, it may be wise to make compulsory the purchase of such goods by the institutions.

STREET RAILWAYS.

In my address to the legislature in January last I referred to the need of further legislation to define and regulate the mutual relations existing between street railway corporations and the municipalities which are the grantors of the rights to occupy and use the public ways for the transportation of passengers. The great and increasing importance and complexity of these relations led your predecessors to provide for the appointment of a committee to investigate the subject in its various aspects and to report their conclusions thereon to the present legislature. It is important that a wise and equitable solution of this problem should be early reached, as present legislation on this subject is not in a satisfactory condition; and the recommendations of the committee will, I feel assured, receive your careful consideration.

One of the most important measures passed by the legislature of 1897 was the "Act to promote rapid transit in the city of Boston and vicinity." The petitioners for this legislation were men who, through the control of large means and by the possession of great business experience, were well fitted to prosecute an extensive and costly enterprise, which gave promise of overcoming, in part at least, the difficulties which in Boston have made rapid transit so tardy of realization. It may be safely affirmed that the feeling was general in favor of granting the prayer of the

petitioners, and thus enabling them to carry into execution their elaborate plans of construction; provided, in bestowing so important a franchise, the rights and interests, both present and prospective, of the public should be safely guarded. With this purpose many important modifications of the bill as first presented were made by the legislature, some of them immediately before its final passage to meet objections raised by the executive, and as so amended the bill received my approval. This was given not without hesitation, but in confident reliance that the discretion entrusted by the bill to the board of railroad commissioners to pass judgment upon certain points necessarily left undetermined therein would be so exercised as to be consistent with the public interests and in accord with public policy. By the recent decisions of the board upon the West End Railway lease this reliance is shown not to have been misplaced. The commissioners, in my opinion, have treated the difficult questions submitted to them with ability, and with a single eye to the public welfare. Such action justifies the well settled policy of the Commonwealth, in granting large powers to corporations exercising their franchises under authority of the Commonwealth, to leave to the several commissions the decision of certain details, relying upon them to exercise with wisdom and fearlessness that supervision which the public interests require.

The section of the subway extending from the western entrance in the Public Garden to Park street, and that from the southern entrance on Shawmut avenue to the corner of Boylston and Tremont streets, have now been in operation for several months. It is gratifying to note the fact that they have already proved of great advantage in promoting the rapid transit of passengers and in relieving the congestion of traffic on adjacent streets. Another year will witness the completion of the subway from Park street to the vicinity of the Union Station on Causeway street, and the full benefit of this great work in removing the burden of street car traffic from certain of our principal streets will, it is confidently expected, be then realized.

TAXATION.

The commission on taxation, of whose difficult and important labors mention was made in my inaugural address of last year, have made their report. It will demand

your studious and considerate attention. I deemed it to be my duty in making up this commission to appoint upon it men who should represent different interests and occupations, and who might be expected to approach the subject with open minds, rather than to confine my selection to any particular occupation or to those who had publicly announced the views they had already formed on the subject. The hope that a commission so constituted might, upon study of facts and discussion of opinions, agree upon one set of conclusions, has not been fully realized. It was perhaps inevitable, and is hardly to be regretted, that there should be more than one report, ably presenting the widely divergent views which prevail on this important topic. It is to be noted however that no one of these reports is content with existing legislation. If your wisdom shall be able to contrive such changes in the system or methods of taxation as shall secure greater simplicity and equality of incidence, and to enact a just law which shall be easy to execute and difficult to evade, you will have done much to promote the welfare of our citizens and the prosperity of our commercial and industrial interests. The subject is one of great difficulty, and no solution in accordance with equal and exact justice can be hoped for unless its discussion is approached with minds free from the bias of personal and selfish interest, and eager only to advance the common weal.

The Constitution of the Commonwealth gives power to the general court to impose proportional and reasonable taxes. This fundamental principle should be maintained. Rich and poor alike should bear their proportion of the public burdens. There should be no discrimination against the householder and the man of business. The spirit of the legislation of Massachusetts is to accord equal rights and privileges and to impose equal burdens upon all.

INSURANCE.

It has long been the policy of the Commonwealth to provide for the protection and security of those holding contracts of insurance, by statutory regulation and official supervision, not only of companies chartered under its laws but also of foreign companies authorized to carry on their business within our borders. A large portion of the holders of insurance policies, especially those providing for the payment of a benefit to the family of the

insured after his death, are persons of moderate fortune and without the means of knowing the condition of the companies in which they insure. To such, and to all other policy holders as well, the Commonwealth has held out the assurance that the companies under its supervision and control should be honestly and prudently managed. This assurance has been of great benefit to our citizens in a matter of grave concern to them, has given our companies a high standing in other states, and added to the reputation of Massachusetts as a conservative and well governed Commonwealth.

The collapse however within the past year of two of the largest assessment insurance companies has been a severe blow to the feeling of security on the part of holders of life insurance policies and to the good name of the Commonwealth as well. Whether the cause of these failures has been due to mismanagement by those in charge of the business of the companies, to the lack of adequate supervision and failure to give due warning of danger on the part of the officers of the Commonwealth, or to the system under which the business was permitted to be carried on under our laws, it cannot be denied that the reputation of the Commonwealth for wise and effective insurance legislation has suffered.

Most of the mischief has probably been done; but the lesson which these failures teach should not be lost. If by more stringent legislation, correcting whatever is loose and ineffective in existing statutes, a repetition of the recent disasters can be prevented, it is due to our citizens and to the Commonwealth that such legislation be enacted. I invite your careful attention to this important subject.

In this connection I ask you also to consider whether further legislation is needed looking to the security of the business of fidelity insurance. This form of insurance has greatly increased within the past few years. A considerable proportion of the bonds given to probate courts, and by public officers, as well as by officers of private corporations, is secured by fidelity insurance companies. If these companies are sound and are conducted on safe principles bonds so secured may afford a stronger protection than is given by the ordinary method of personal sureties. But liability under these contracts has for the most part not yet accrued, and when it does accrue pro-

fective legislation may be too late. In view of the growth and increasing importance of this class of insurance I recommend a careful examination of the laws purporting to secure those who may have rights under such contracts.

EDUCATION.

Of the total number of children who attend school in this Commonwealth more than eighty-six per cent. attend the public schools, the remaining fourteen per cent. being taught in private schools. The proportion of pupils who pass on to the high schools is increasing, and the pay of teachers, as well as the total amount expended for the support of the school system, is greater than in previous years. The state wisely lends its assistance where help is needed in meeting the advanced requirements imposed by legislation, and this assistance is so given as to stimulate rather than to supersede local effort. During the past year three new normal schools have been opened, and the number in attendance has greatly increased, in spite of more rigid requirements for admission.

The nautical training school has had a successful year, and the public appreciation of the value of the training it furnishes is shown not only by the success of its graduates in obtaining employment but also by an increase in the number of applications for admission, permitting a greater care in the selection of its cadets than has been possible heretofore.

In the textile school at Lowell the Commonwealth has inaugurated with marked promise of success an experiment which is likely to prove of much importance to the future maintenance of the manufacturing supremacy of Massachusetts, which will be found to depend more largely than heretofore upon the ability of its people to produce the finer qualities of goods, which in texture and design require training and skill for their manufacture.

THE MILITIA.

Certain changes in the law affecting the militia of the Commonwealth, enacted at the last session of the legislature, have gone into effect, and in compliance therewith Brigadier-Generals Peach and Bridges, after many years of faithful service, have been placed on the retired list and

their successors have been duly elected. The first regiment of infantry has been changed into the first regiment of heavy artillery, and will thus constitute a coast defence reserve force which will add greatly to the security of our coast line and to the defences of Boston harbor. The reports upon the various branches of the state militia, made by the inspector general of this Commonwealth, as well as by Colonel Kline, the officer of the regular army detailed for that purpose by the United States government, while not free from the degree of criticism which shows close observation and honest expression, speak in high terms of commendation of the personnel, discipline and general zeal and efficiency which characterize the service. I believe that this commendation is deserved, but no effort should be relaxed either in the quarters of the officers or in the tents of the privates to stimulate still further that spirit of earnest enthusiasm and zealous emulation which refuses to rest satisfied while improvement is possible. An orderly and well disciplined militia is capable of being an excellent school of instruction in many of the virtues which characterize the best type of citizenship.

BOSTON HARBOR.

The much needed improvements in Boston harbor, demanded by the importance of the commercial interests of the port, have been forwarded during the year through both national and state agencies.

The main ship channel at the entrance to the harbor has been freed from rocks and shoals, so that there is now a uniform depth of twenty-seven feet at mean low water, with a width of one thousand feet as far up as the Narrows. Under a contract with the federal government to continue the same width and depth of channel up to the city the work of dredging is now going on, and will probably result during the coming season in the completion of a channel of like dimensions to President's Roads.

An examination of the proposed new ship channel through Broad Sound has been made, and it is expected that Congress will be asked during the coming session for an appropriation sufficient for the excavation of a channel by this route twelve hundred feet wide and thirty feet deep at mean low water.

Boston has suffered in the past from the lack of a free

and deep waterway for large vessels approaching her wharves. It has been a serious obstacle to the due expansion of her shipping interests, from the burden of which relief should not be longer delayed.

With the view of providing for the future still greater facilities for the commerce of the port the legislature of last year authorized the expenditure of a large sum to secure public ownership and control of certain portions of the foreshore of Boston harbor and for the construction of a pier and dock on the Commonwealth's flats at South Boston. A contract for the foundations and core of this pier has been made by the harbor and land commissioners, which it is expected will secure its completion and readiness for service before the contemplated improvements above referred to in the ship channel shall be fully carried out. Owing to the dislodgement of many industries and business firms through the location of the Southern Union Station, the attention of investors and business men has been turned in larger measure than heretofore to the undeveloped property of the Commonwealth at South Boston, and to the increased use of the wharf properties of South Bay.

TOPOGRAPHICAL SURVEY COMMISSION.

Provision was last year made by the legislature for the relocation, under the direction of the topographical survey commission, of the boundary lines between this Commonwealth and the adjoining states of New York and Rhode Island. The surveys for these lines, which have been made at the joint expense of the states bordering upon them, have clearly demonstrated the necessity of the work, owing to the obliteration of former landmarks and the uncertainty of former lines. It is probable that the boundary line between Massachusetts and Connecticut will for like reasons require early attention.

METROPOLITAN WATER BOARD.

The great constructive work committed to this board has been prosecuted with vigor and has made substantial progress during the past year. The tunnel, two miles in length, making the beginning of the aqueduct which is to connect the Nashua river at Clinton with the Sudbury

water system of the city of Boston has been completed, and the remainder of the aqueduct, with the open waterway, nine miles in length, has been so far finished that water can now be conveyed through it to the Southborough reservoir. This large reservoir, covering an area of two square miles, and already connected with the Boston water system, is so far completed as to be now collecting and storing the waters of its own watershed. The main supply pipes, generally four feet in diameter, have been laid through the greater part of the metropolitan water district. A large additional water supply is therefore already assured, and it is believed that reason for apprehension of any serious trouble in the near future from a light rainfall no longer exists. The building of the dam and reservoir at Clinton, and the other work connected with this great undertaking, will require several years for completion. It is interesting to note that with increasing population certain municipalities within the ten mile radius, but not originally included in the municipal water district, are already showing a desire to be admitted to share the benefits of the new water supply. The Commonwealth will finally be fully reimbursed for its great expenditure, and the several municipalities will obtain an abundant supply of pure water at a less expense than if each were forced to construct independent works.

STATE HIGHWAYS.

The first appropriation for the construction of state highways was made in 1894, and amounted to \$300,000. The appropriations since then have been as follows:— In 1895, \$400,000; in 1896, \$600,000; and in 1897, \$800,000, — of which last sum however not more than \$600,000 was to be paid from the state treasury during the year 1897. As 75 per cent. of this expenditure is borne by the Commonwealth, the several counties benefited repaying to the Commonwealth 25 per cent. of the amount expended, it will be seen how large a sum in the annual state budget is paid for this purpose. The cost of maintenance and repair is not yet a matter of large moment, but with every year this item must increase, and under existing legislation this too is to be borne by the Commonwealth. It may fairly be considered whether legislation prescribing after some future date a uniform

width of tire for the wheels of all vehicles carrying heavy loads would not tend to diminish the great cost of maintaining highways, alike to the Commonwealth and to cities and towns.

CAPE COD CANAL.

The first charter for the construction of a ship canal across Cape Cod was granted in 1870. Since then six other companies have been incorporated for a like purpose, and many acts have been passed extending the time to one or another of these seven companies for the beginning or completion of the work contemplated by their acts of incorporation. Among the incorporators have been many men of acknowledged enterprise and substance, considerable sums of money have been spent, and yet the work is not only unaccomplished, but may be almost said not yet to have been begun. It would appear to be a safe inference from these facts that, after the careful study of competent experts and engineers, the project is found not to promise reasonable financial returns with sufficient certainty to induce the investment of the large amount of private capital needed for its completion.

During these many years a cloud has rested upon all titles to real estate in the vicinity of the proposed route of the canal. I think it is time that this uncertainty should end, and that the legislature should recognize the improbability of the construction of the work by private enterprise during the lifetime of the present generation.

There can be no doubt however of the value to the commercial interests of the Commonwealth of a canal across the Cape, and a plan will be laid before your honorable bodies for the use in its construction of the labor of certain classes of prisoners, under such conditions as shall secure their humane treatment and safe custody. The application of prison labor to public works of general utility is not an untried experiment, and merits your careful consideration.

STATE HOUSE.

The work of preserving, restoring and rendering practically fire proof the so-called Bulfinch State House, provided for by chapter 531, acts of 1896, for which the sum of \$375,000 was therein appropriated, is substantially

completed. From this appropriation, for purposes not originally intended to be included therein, there will have been expended in furnishing the sum of about \$75,000, and in rebuilding in granite the front terrace and steps and in reconstructing the terrace wall on Mt. Vernon street the further sum of about \$36,000. In spite of these large additional expenditures it is expected that a substantial part of the original appropriation will remain unexpended. In my judgment this work, decreed by the legislature of 1895, has fully justified itself, not only as an example of wise economy, but also as preserving for future generations an historic structure, valued by the people of the Commonwealth because of its associations and because of its architectural interest.

The governor and council are now occupying their former rooms in the westerly portion of the front, and the former chamber of the house of representatives affords spacious and dignified quarters for the senate. The old senate chamber, in all its original beauty of form and dimensions, remains at the disposal of the senate, and additional space has been assigned to the speaker and to the clerk of the house of representatives.

It is an interesting historical fact, which your honorable bodies may deem worthy of commemorative notice, that the state government thus resumes the occupancy of this stately building in the month which marks the lapse of a century from its first use as the state house of the Commonwealth of Massachusetts.

The quarters in Memorial Hall, provided for the temporary occupancy of the senate, having been released from this use, work upon Memorial Hall will now be continued as rapidly as a due regard to its importance and character will permit.

INTERNATIONAL EXPOSITION AT PARIS.

An act of the congress of the United States, approved July 19, 1897, contains the following provisions:—

“That the invitation of the Republic of France to take part in an exposition of works of art and the products of manufactures and agriculture of all nations, to be held in Paris, commencing the fifteenth day of April and closing the fifth day of November, 1900, is accepted; and the governors of the several states and territories be, and are

hereby, requested to invite the people of their respective states and territories to make a proper representation of the productions of our industry and of the natural resources of the country, and to take such further measures as may be necessary in order to secure to their respective states and territories the advantages to be derived from this beneficent undertaking."

In this great exposition, which will without doubt be one of the memorable events of the closing year of the nineteenth century, it seems proper that the Commonwealth of Massachusetts should be represented in a manner befitting its material and industrial importance, and I ask you to make such provision to this end as you may deem reasonable and adequate.

UNIFORMITY OF LEGISLATION.

On many subjects the lack of uniformity of legislation in the several states causes little practical inconvenience, and it is probable that any attempt to secure such uniformity would prove futile, owing to the deep seated differences of theory and experience which find expression in the legislation of states representing widely differing interests and conditions. But in a limited range of subjects, especially those concerning the law merchant, it is the opinion of many jurists of distinction that substantial uniformity of legislation by the several states is not only desirable but becomes possible of enactment, as the greater certainty which would thence result in business transactions, conducted between citizens of different states, is more generally realized. A draft of a proposed act on negotiable instruments will be submitted to you by the Massachusetts board of commissioners for the promotion of uniformity of legislation, which has been approved at a conference of similar boards of commissioners representing many of the states, and which has already become the law in several states through action of the legislature.

Gentlemen of the senate and house of representatives : — We enter together upon the responsible and honorable duties which have been intrusted to our hands by the people of Massachusetts. They are a people who have learned from the past history of the Commonwealth to demand a high standard of capacity and integrity of those

to whom they commit their interests. May we show ourselves not unworthy of their confidence. May whatever legislation is enacted be for the common good of all. May the humblest and the most powerful petitioner alike depend for success upon the justice of his cause, and upon that alone. May no unworthy influence, born of selfishness or greed, in whatsoever specious guise, dare approach these halls of legislation. May private interest be held ever subordinate to the public welfare. May reason prevail over passion and prejudice, and the voice of the sophist or of the demagogue, if such be raised, be powerless to mislead. In these days, when legislatures are subjected to criticism and disparagement, not always without cause, may Massachusetts present the spectacle of a legislature vigilant, fearless and wise, which shall be truly representative of the best thought and highest aspiration of an intelligent, patriotic and progressive people. So shall we be instruments to perpetuate the honor and fame of the Commonwealth, and to transmit unimpaired the heritage we have received from our fathers.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE
DURING THE ANNUAL SESSION.

[To the senate and house of representatives, January 10, 1898.]

I have the honor to present, in compliance with chap- Pardons.
ter 50 of the resolves of 1860, a report of the thirty-seven
pardons issued by the governor and council during the
year just closed.

Of the number thus released two were in the state
prison, twenty-two in houses of correction, ten in the
Massachusetts reformatory, and three in the reformatory
prison for women. Sickness was the controlling reason
for the discharge of eleven, four of whom have since
died.

ROGER WOLCOTT.

No. 1. JOSEPHINE LAWRENCE. Convicted of larceny,
Superior Court, Suffolk county, Nov. 10, 1896. Sen-
tenced to the reformatory prison for women for one year.
Pardoned Jan. 28, 1897, upon the recommendation of the
district attorney, who certified that "her case was never
properly presented to the court, had it been, I think the
court would have placed her on probation."

No. 2. EDWARD P. PHELAN. Convicted of stubborn-
ness, Third District Court of Bristol, Jan. 6, 1897. Sen-
tenced to the Massachusetts reformatory on an indeter-
minate sentence. Pardoned Jan. 28, 1897. The prisoner
was critically ill with epilepsy, with no hope of recovery.
He died at his home January 30.

No. 3. JAMES S. KENDRICK. Convicted of breaking
and entering, Superior Court, Barnstable county, April

Pardons.

term, 1895. Sentenced to the state prison for three years. Pardoned Feb. 4, 1897, upon the recommendation of the sheriff of Barnstable county, the arresting officer, and all of the selectmen of Harwich, Chatham and Brewster. The district attorney concurred in the recommendation. Kendrick, without any solicitation, inducement or suggestion, furnished valuable information which caused the conviction of three other criminals who were the leading spirits in the affair. His record in prison had been perfect. Permanent employment was furnished him as soon as released.

No. 4. JOSEPH PEVER. Convicted of stubbornness, Third District Court of Eastern Middlesex, Oct. 3, 1896. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Feb. 4, 1897, upon the recommendation of the commissioners of prisons, and the father, who made complaint, on the ground that he had been sufficiently punished.

No. 5. PATRICK RILEY. Convicted of assault, Superior Court, Suffolk county, December term, 1896. Sentenced to the house of correction for two years. Pardoned Feb. 18, 1897, upon the recommendation of the prison physician. Riley was suffering from pulmonary consumption with hemorrhage and was in the last stage of the disease. He died in May.

No. 6. WALTER C. GOODES. Convicted of larceny in the District Court of Eastern Hampden, Aug. 4, 1896. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Feb. 25, 1897, upon the recommendation of district attorney Gardner, who was of the opinion that the boy, who was not naturally bad, would hereafter lead an honest and exemplary life. This was his first offence. He was led into committing the crime by a young man older than himself whose record had been bad.

No. 7. WALLACE C. COOMBS. Convicted of rape, Superior Court, Barnstable county, Oct. 12, 1895. Sentenced to the house of correction for three years. Pardoned March 25, 1897, upon the recommendation of the selectmen and other town officials of Barnstable and

Mashpee. Coombs at the time of sentence was twenty years of age and the youngest of three found guilty for the above crime. The district attorney certified "that the woman upon whom the offence was committed was a woman of bad character both for chastity and sobriety." It appeared that men were accustomed to resort to her house to carouse, etc. There was no evidence to show that Coombs took any active part in the crime, except to be present. In view of his age and the fact that this was his first offence, a pardon was granted. Pardons.

No. 8. CLARA WRIGHT. Convicted of larceny, Superior Court, Suffolk county, Nov. 10, 1896. Sentenced to the reformatory prison for one year. Pardoned April 1, 1897, on the ground that she had been sufficiently punished. This was her first offence. The judge who imposed the sentence did not object to the granting of the pardon.

No. 9. LEONARD M. BALL. Convicted of larceny, Police Court of Holyoke, Nov. 21, 1896. Sentenced to the house of correction for eight months. Pardoned April 22, 1897. Ball was a sufferer from epilepsy, as a result of said disease was mentally deranged the greater part of the time and under the charge of a keeper appointed to care for him individually. He was restored to the care of his friends for such medical treatment as his physical condition required.

No. 10. FRANK H. SANBORN. Convicted of breaking and entering, Essex and Plymouth counties, May 11, 1892. Sentenced to the state prison for six years and house of correction for one year. Pardoned May 16, 1897, to take effect upon the completion of his sentence in the state prison, that he might remove with his mother to California and make his home in that state.

No. 11. PATRICK BURNS. Convicted of drunkenness, First District Court of Eastern Middlesex, Nov. 2, 1896. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 6, 1897, upon the recommendation of the justice who imposed the sentence and the chief of police, selectmen and overseers of the

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poor of Wakefield, where the prisoner resided, on the ground that he had always been an industrious citizen and that his family were in very destitute circumstances and needed his support.

No. 12. JOHN MCKAY. Convicted of larceny, Superior Court, Norfolk county, April 13, 1896. Sentenced to the house of correction for eighteen months. Pardoned May 20, 1897, upon the recommendation of the district attorney and prison physician. McKay was seriously ill with tubercular consumption, with little hope of recovery if he remained in prison.

No. 13. PINKEY WALTHER. Convicted of abandoning her children, Municipal Court of Boston, Nov. 10, 1896. Sentenced to the reformatory prison for women for one year. Pardoned May 27, 1897, upon the recommendation of the commissioners of prisons. The prisoner was in an advanced stage of pulmonary consumption with no hope of recovery. She died August 11.

No. 14. ALPHONSO SALISBURY. Convicted of breaking and entering, Superior Court, Norfolk county, Sept. 29, 1896. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 1, 1897, upon the recommendation of the complainant and many of the leading citizens of Weymouth on the ground that he had been sufficiently punished.

No. 15. ALEXANDER McDONALD. Convicted of drunkenness, First District Court of Eastern Middlesex, April 2, 1897. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 2, 1897, upon the recommendation of the justice who imposed the sentence, the mayor and the probation officer of Malden. The prisoner had a large family who were entirely destitute. His old employer was ready to give him immediate employment.

No. 16. HANNAH CAREY. Convicted of violating the license law, two indictments, Superior Court, Middlesex county, Nov. 30, 1896. Sentenced to the house of correction for eighteen months and to pay a fine of \$400. Pardoned June 3, 1897, upon the recommendation of the

prison physician. She was dangerously ill with a com-
plication of diseases, with little prospect of recovery if
longer held in confinement. Pardons.

No. 17. HARRIS WOLF. Convicted of larceny, Superior Court, Suffolk county, September term, 1896. Sentenced to the house of correction for one year. Pardoned June 10, 1897. The prisoner had a wife and eight children, who were suffering for the necessities of life; he was released two months before his sentence expired that he might support his family. This was his first offence.

No. 18. HERBERT E. CARPENTER. Convicted of felonious assault, Superior Court, Worcester county, May 29, 1896. Sentenced to the house of correction for two and a half years. Pardoned June 24, 1897, upon the recommendation of the town officials and a large number of the leading citizens of Charlton where the crime was committed. The district attorney concurred in the recommendation. The pardon committee were satisfied that the offence of which he was only technically guilty was of a far less serious nature than was represented at the trial and that he had been sufficiently punished.

No. 19. JEREMIAH T. O'SULLIVAN. Convicted of criminal libel, Superior Court, Essex county, June 7, 1897. Sentenced to the house of correction for eighteen months. Pardon granted July 2, 1897, solely on the recommendation of the district attorney and on the certificates of the physicians as to his physical condition, stating that his life would be seriously imperiled by longer confinement in jail. No other reason for pardon was considered. He died in December.

No. 20. MAX KEEZER. Convicted of receiving stolen goods, Superior Court, Suffolk county, Dec. 22, 1896. Sentenced to the house of correction for two years. Pardoned July 15, 1897, upon the recommendation of the district attorney and A. Shuman & Co., the firm from whom the goods were stolen. The complainants after a careful inquiry into the case, were of the opinion that Keezer committed the act under misapprehension. He had always borne a good reputation, and in the opinion

Pardons.

of the district attorney public interests would not suffer by his release.

No. 21. AUGUSTUS G. WESLEY. Convicted of burning a building, Superior Court, county of Dukes County, Sept. 26, 1895. Sentenced to three years in the house of correction. Pardoned July 29, 1897, upon the recommendation of nearly all the prominent citizens and taxpayers of Cottage City, where the crime was committed. Wesley set fire to a building owned by himself in Cottage City, where he had resided for many years. He confessed the crime and made no claim to the insurance money. He alone was the only loser by the fire. The pardon committee were of the opinion that he had been sufficiently punished. Judge Brady who imposed the sentence was of the same opinion.

No. 22. JOHN WALKER. Convicted of larceny, Superior Court, Suffolk county, December term, 1895. Sentenced to the house of correction for three years. Pardoned July 29, 1897. This was the prisoner's first offence. He had always been a law abiding citizen. As the offence was committed when he was under the influence of liquor and the property recovered, it was thought that he had been sufficiently punished.

No. 23. RUSSELL B. WARD. Convicted of stubbornness, District Court of Northern Berkshire, Sept. 23, 1896. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned July 29, 1897, upon the recommendation of the commissioners of prisons. It appeared that Ward was below the average intellectually and in some degree not responsible. His father, who made the complaint against him under a misapprehension, was ready to take him home and care for him.

No. 24. PAUL HORGAN. Convicted of larceny before trial justice Lane, of Norwood, March 3, 1897. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned July 30, 1897. Horgan was of feeble and unsound mind. The reformatory was evidently not a suitable place for a person of his mental condition, he was accordingly pardoned and placed in the School for the Feeble-Minded, at Waverley.

No. 25. THOMAS FORBES. Convicted of assaulting an ^{Pardons.} officer, Superior Court, Suffolk county, October term, 1896. Sentenced to the house of correction for eighteen months. Pardoned Aug. 26, 1897, upon the recommendation of the district attorney and the officer assaulted. Forbes had a wife and four children who were entirely without means of support. This was his first offence and was committed when under the influence of liquor.

No. 26. ROBERT C. WILBUR. Convicted of larceny, Superior Court, Franklin county, April 21, 1897. Sentenced to the house of correction for six months. Pardoned Aug. 26, 1897, upon the recommendation of the district attorney. The crime committed was the result of a sudden opportunity and temptation, at a time when the prisoner was in great financial distress, and was not premeditated. Full restitution of the money stolen was made by Wilbur.

No. 27. WILLIAM H. STANTON, alias SHELDON. Convicted of larceny, Superior Court, Norfolk county. Committed to the house of correction May 26, 1897, for six months. Pardoned Sept. 2, 1897. Stanton was critically ill with pulmonary consumption. The prison physician certified that his life would undoubtedly be prolonged and made more comfortable could he be released from further confinement.

No. 28. JOHN B. EASTON. Convicted of assault, Superior Court, Plymouth county, Nov. 16, 1896. Sentenced to the house of correction for eighteen months. Pardoned Sept. 9, 1897, upon the recommendation of the district attorney and the county commissioners. Easton was in very feeble health. In the opinion of the prison physician he could not live until the completion of his term of imprisonment.

No. 29. JOHN J. HINES. Convicted of drunkenness, Fourth District Court of Eastern Middlesex. Sentenced to the Massachusetts reformatory on an indeterminate sentence. This was his third commitment to the reformatory for the same offence. Pardoned Oct. 12, 1897, upon the recommendation of the commissioners of prisons for the

Pardons.

purpose of placing him, for treatment, in the Massachusetts hospital for dipsomaniacs and inebriates at Foxborough.

No. 30. JOHN H. WALSH. Convicted of larceny, Superior Court, Suffolk county, March term, 1897. Sentenced to the house of correction for eighteen months. Pardoned Oct. 28, 1897, upon the recommendation of the district attorney, who certified that had he known all the facts, as he has since the trial upon careful inquiry found them, he would have recommended probation.

No. 31. JAMES MONTAGUE. Convicted of larceny, Superior Court, Middlesex county, Feb. 2, 1897. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Nov. 18, 1897. The prisoner was suffering from a complication of diseases. In all probability he cannot recover from his present illness.

No. 32. SARAH E. TRASK. Convicted of adultery, Superior Court, Middlesex county, Feb. 17, 1897. Sentenced to the house of correction for eighteen months. Pardoned Nov. 24, 1897, upon the petition of the husband of the prisoner and many of the leading citizens of Lowell, on the ground that she had been sufficiently punished and that the ends of justice had been answered.

No. 33. CHRISTIAN STEENSEN. Convicted of assault with a loaded revolver, Municipal Court, South Boston district, Aug. 18, 1897. Sentenced to the house of correction for twelve months. Pardoned Dec. 9, 1897, upon the recommendation of the justice who imposed the sentence, and the probation officer. There were mitigating circumstances connected with the case, which if presented at the trial would undoubtedly have lessened the sentence.

No. 34. FRANCIS STILLMAN. Convicted of polygamy, Superior Court, Plymouth county, Nov. 7, 1895. Sentenced to the house of correction for two and one half years. Pardoned Dec. 16, 1897, upon the recommendation of the district attorney and many of the prominent officials of Brockton. Acting upon some slight information he married the second time supposing that his first

wife was dead. The district attorney was of the opinion Pardons. that the interests of public justice would not suffer if the pardon was granted.

No. 35. CHARLES W. TOPLIFF. Convicted of adultery, Superior Court, Bristol county, June 18, 1897. Sentenced to the house of correction for one year. Pardoned Dec. 18, 1897, upon the completion of one half his sentence, as recommended by the district attorney. Topliff was a young man, nineteen years of age, and had always borne a good reputation.

No. 36. WELCOME H. HATHAWAY. Convicted of cheating and false pretences, Superior Court, Bristol county, Nov. 25, 1893. Sentenced to seven years in the state prison. Pardoned Dec. 23, 1897. The pardon was recommended by a very large number of the leading citizens of Fall River, who were of the opinion that the crime was committed at a time when the prisoner was not fully responsible for his acts; that the sentence was excessive (he having pleaded guilty) and that the ends of justice had been fully met by his imprisonment already served, which amounted practically to a five years' sentence, deducting time for good behavior. In this opinion the law officers of the Commonwealth concurred.

No. 37. DAVID M. JONES. Convicted of having milk not of standard quality, Municipal Court, Dorchester district, Dec. 5, 1897. Sentenced to pay a fine of \$50. Pardoned Dec. 23, 1897, upon the recommendation of justice Churchill, who imposed the sentence, Dr. Harrington, the complainant, and Mr. Wilkinson, the probation officer, who were satisfied that Jones was not the owner of the adulterated milk, but an employee.

[To the honorable senate and house of representatives, Jan. 12, 1898.]

I transmit herewith for the careful consideration of your honorable bodies the report of the commission appointed to inquire into the expediency of revising and amending the laws of the Commonwealth relating to taxation.

[To the honorable senate and house of representatives, Jan. 12, 1898.]

I transmit herewith for your consideration a communication addressed to me by the chairman of the commission appointed under statutes of 1896, chapter 515.

[To the honorable senate and house of representatives, Jan. 17, 1898.]

I have the honor to transmit to you for such action as you may deem fitting, certain papers relating to two persons severally holding the office of justice of the peace and notary public.

[To the honorable senate and house of representatives, Jan. 19, 1898.]

I transmit herewith for the information and consideration of your honorable bodies the seventh annual report of the board of commissioners for the promotion of uniformity of legislation in the United States.

[To the honorable senate and house of representatives, Jan. 24, 1898.]

I transmit herewith the report of the commission appointed under chapter 16 of the resolves of 1896 for the erection of tablets or monuments on the battlefield of Antietam. The report contains a recommendation for the perpetual care of the monuments and grounds, for which I ask your careful consideration.

[To the honorable senate and house of representatives, March 11, 1898.]

I return herewith "An Act relative to Appointments in the Fire Department of the City of Boston" with my objections thereto in writing.

Chapter 256, Acts of 1896, provides that call-members in the Boston fire department who have served three or more successive years in said service shall, upon application to the civil service commissioners, be placed upon the eligible list for appointment as permanent men, without any further examination. The call-members are subject to primary examination before receiving such appointment, and are recognized as members of the department. Service of three years is, under the act of 1896, made the equivalent of a subsequent examination in establishing their eligibility to appointment on the permanent force. The present bill would extend the provisions of this statute to call-substitutes. Call-substitutes are not recognized members of the fire department, and are not subject to any examination either physical or otherwise. This act would therefore empower the present or any future fire commissioner to transfer to the permanent force, for any reason he sees fit, men who have been employed as substitute call men without regard to age,

weight or height, and without educational or physical examination.

Firmly believing that the application of civil service rules to the fire department of the city of Boston has greatly increased its efficiency and improved its discipline, and has removed it from the operation of influences detrimental to both, I am unwilling to approve an act which in my opinion would tend in part to imperil the improvement already won.

[To the honorable senate and house of representatives, March 14, 1898.]

I transmit herewith, for such action as to your honorable bodies may seem proper, an invitation extended by his excellency the governor of the state of Nebraska to the people of this Commonwealth to participate in the Trans-Mississippi and International Exposition, to be held in the city of Omaha, Nebraska, beginning June 1, 1898, together with other papers relating thereto.

[To the honorable senate and house of representatives, March 28, 1898.]

It is with profound regret that I announce to your honorable bodies the unexpected death in Washington on the 26th instant of the Honorable John Simpkins, a representative in the congress of the United States. His death is a loss to the public service of this Commonwealth. Formerly a member of the Massachusetts senate, and at the time of his death the representative of the thirteenth congressional district, he had rendered to state and nation faithful and intelligent service which entitles his memory to honorable commemoration. I recommend that your honorable bodies adopt such action as may fittingly express the public sense of sorrow at his early death.

[To the honorable senate and house of representatives, March 29, 1898.]

I present herewith for the consideration of your honorable bodies certain proposals and estimates regarding the grounds in front of the state house, supplying the fountains with water and placing electric lights upon the dome and cupola.

[To the honorable senate and house of representatives, April 6, 1898.]

I transmit herewith for such action as your honorable bodies may determine a letter this morning received from the secretary of the art commission for the city of Bos-

ton informing me that the statute of General Devens, ordered by the Commonwealth, will be in position in the state house grounds ready for unveiling on or about the 16th of June.

[To the honorable senate and house of representatives, April 15, 1898.]

In the present grave and threatening condition of the relations of the government of the United States with the kingdom of Spain, growing out of the inhuman and un-availing warfare in the island of Cuba, I deem that the time has come when it is my duty to ask that your honorable bodies place in my hands the means to enable me to meet with promptness and efficiency whatever demands the exigencies of possible war may require the national government to make upon the Commonwealth of Massachusetts.

Whenever in the past heroism and sacrifice in a just cause have been demanded, Massachusetts has generously given of her blood and treasure. She will not falter now.

I ask that \$500,000, or such part thereof as may be necessary, may be appropriated to be expended under the direction of the commander-in-chief in defraying the military and naval expenses which the existing emergency may render requisite and proper.

[To the honorable senate and house of representatives, April 20, 1898.]

I ask the prompt and careful consideration of your honorable bodies to a communication this morning by me received from the insurance commissioner, which is herewith enclosed, together with a copy of a letter addressed to him by the attorney-general relating to the same matter.

[To the honorable senate and house of representatives, April 26, 1898.]

I transmit herewith and ask your early consideration of a communication dated April 26th addressed to me by the commissioners of pilots of this port.

[To the honorable senate and house of representatives, April 29, 1898.]

I ask your honorable bodies to consider whether it is wise and practicable to provide by legislation for the restoration to their former positions in the militia of those now or hereafter volunteering in the service of the United States, when honorably discharged from such service.

In case such provision is made further legislation will in my opinion be necessary, providing or directing that new enlistments of the militia of this Commonwealth be made for a fixed period, briefer than that now prescribed by law, or for a period terminable by the commander-in-chief or after a declaration of peace.

[To the honorable senate and house of representatives, May 5, 1898.]

I transmit herewith for the consideration of your honorable bodies, a communication this day received from the chief of the Massachusetts district police.

[To the honorable senate and house of representatives, May 10, 1898.]

I return herewith to the house of representatives in which it originated a resolve entitled "A Resolve in favor of George P. Smith," with my objections thereto in writing.

The petition to the legislature upon which this resolve was based states that a constable of the town of Ipswich while engaged in arresting a man for being drunk, being resisted, commanded as was his right the assistance of the petitioner Smith, who was standing near by. He responded to the summons of the officer, as was his duty, and while assisting him was assaulted and severely injured by the person arrested.

I am unable to discover in these facts any just reason, legal or equitable, why Smith should be reimbursed by the Commonwealth for the injuries so received by him, nor why its bounty should be granted to him. To allow his claim would, in my opinion, establish a dangerous precedent of large import; for if the principle which this resolve seeks to establish should be recognized any town or city officer injured in the discharge of his duty would have the same right to recompense therefor from the treasury of the Commonwealth. I am informed that no such claim has ever been recognized in this Commonwealth, and that this resolve is without precedent in its legislation.

From the earliest times the administration and enforcement of the criminal laws have been devolved by the Commonwealth largely upon its municipalities. One of the principal purposes of the creation of municipal corporations by the state is to exercise through local control a part of its powers of government. Among these is the preservation of the public peace. This duty is especially

entrusted to cities and towns through constables and police officers chosen by them and responsible to them. If exceptions exist the present case does not fall within them.

The Commonwealth has never assumed responsibility for the doings of such local officers, nor undertaken to recompense them for loss or injury sustained by them in the discharge of their duties.

The same considerations apply to those who are summoned to assist them. The fact that they are summoned, as the petition states, "in the name of the Commonwealth" does not affect the question. The authority under which the local officer acts in making an arrest is derived primarily from the Commonwealth and its laws. All precepts in criminal cases are issued by virtue of the same authority. The constable arresting a disturber of the peace does so in the name of the Commonwealth. But that fact does not make the Commonwealth liable for his wrong-doing to others nor for wrongs done to him by others while performing his duty. The same is true of one whom he calls to his assistance.

For these reasons I am unable to approve the resolve.

[To the honorable senate and house of representatives, May 20, 1898.]

I transmit herewith a communication addressed to me on behalf of the local committee in charge of the fiftieth anniversary meeting of the American Association for the Advancement of Science, for which I ask the careful consideration of your honorable bodies.

[To the honorable senate and house of representatives, May 20, 1898.]

I enclose herewith a communication dated April 14th, addressed to me by First Lieut. John Stephen Sewell, of the U. S. Corps of Engineers, regarding cession to the United States of two tracts of land in the town of Hull for fortification purposes, together with subsequent correspondence relating thereto and also a blue print copy of the said tracts.

I call the attention of your honorable bodies to the statement contained in the letter of Lieut.-Col. S. M. Mansfield, of the U. S. Corps of Engineers, to the importance that jurisdiction over these tracts be ceded to the national government at an early day.

[To the honorable senate and house of representatives, May 23, 1898.]

I return herewith to the house of representatives, in which it originated, a bill entitled "An Act to reorganize the board of aldermen and common council of the city of Boston," with my objections thereto in writing.

This bill if enacted will effect a radical change in the constitution of the city council of the city of Boston. It does not provide for its acceptance either by the voters of the city or by their elected representatives. I do not find that its passage has been petitioned for either by the present city council or by any large number of citizens, interested in the good government of the city, and representing its intelligence and its business, professional and property interests.

The bill provides for a board of aldermen to consist of twenty-five members, each elected by the registered voters of one of the twenty-five wards of the city, and for a common council of fifty members, of whom the registered voters of each ward shall elect two. Except in the unimportant detail of numbers, the two branches are therefore absolutely identical in their constitution. Alderman and common councilman alike will represent solely a limited, local constituency, and are to continue in office or to be removed therefrom solely according to their success in meeting the desires, reasonable or otherwise, of a single ward. I do not think that this method of election will tend to call into the service of the city men of large capacity and experience, capable of regarding the interests of the entire municipality as paramount to those of a restricted locality. The advantages which are claimed for the bicameral system of legislative bodies are due chiefly to the fact that the two chambers are either differently elected or represent different constituencies, so that they may be expected to approach the consideration of questions of public interest from different points of view. These advantages disappear in a system which provides for the absolute duplication of the two bodies except only in the number of their members. It is true that for several years the members of the Boston board of aldermen were elected by districts and not by vote of the city at large, but it is also true that these districts were at least double the size of those contemplated in the

present bill, and that even with this advantage the results were so unsatisfactory that this method was very generally condemned and was finally abandoned.

Whatever influences have made the city council of Boston a body of less high purposes and wise efficiency than its citizens believe the council might become if constituted in a manner different from the present, would in my opinion be intensified rather than abated by the legislation contemplated in this bill. Instead of raising the standard of membership, and making more honorable the service in either branch, the operation of this bill would tend, I believe, to lower the one and to degrade the other. In the attempt to correct acknowledged evils it is better to make no change, rather than to adopt a change which bears no promise of improvement.

I feel confident that a better method than the one proposed can be devised to effect the improvement in the legislative branch of the government of the city of Boston which should be the constant effort of her citizens.

For these reasons I am unable to give my official approval to the bill.

[To the honorable senate and house of representatives, May 24, 1898.]

Recent events lead me to ask your honorable bodies whether legislation is not desirable which shall limit more strictly the connection, in locality or in the personnel of their officers, of savings banks and other moneyed institutions.

The Commonwealth has in some degree assumed the position of guardian of the savings of her industrious and frugal citizens of moderate means, and as experience may from time to time indicate that new safeguards are reasonable and necessary, it becomes, in my opinion, the duty of the legislature to remove causes of danger or distrust.

[To the honorable senate and house of representatives, May 31, 1898.]

I transmit herewith for such action as your honorable bodies may determine, a letter containing charges against a certain person holding the commission of notary public in this Commonwealth.

[To the honorable senate and house of representatives, June 3, 1898.]

I deem it my duty to ask your honorable bodies to consider the propriety of enacting legislation which shall

authorize registered voters of this Commonwealth, now or hereafter mustered into the service of the United States and absent at their post of duty, to vote at national, State and municipal elections.

I enclose for the information of your honorable bodies an opinion submitted to me by the attorney-general in response to a letter of inquiry from me upon the subject.

Although present indications encourage the confident hope that the war may be speedily brought to an honorable end, it is, in my opinion, an act of justice to those who have volunteered in defence of their country that they shall not thereby lose their rights of citizenship, in case circumstances shall require them to be absent from their homes upon the day of election.

[To the honorable senate and house of representatives, June 6, 1898.]

I ask the careful consideration of your honorable bodies of a communication, transmitted herewith, from the chairman of the executive committee of the Massachusetts Volunteer Aid Association, regarding the purchase and equipment of a vessel to act as a relief and hospital ship to our soldiers in the service of the United States, and requesting that the Commonwealth purchase a vessel for the above purpose, the cost thereof to be returned wholly or in part to the treasury of the Commonwealth at the close of the war, unless circumstances which do not now seem probable intervene to make this impossible.

The plan presented in this communication has received the approval of United States officers, and is, in my opinion, deserving of favorable consideration.

[To the honorable senate and house of representatives, June 8, 1898.]

I have the honor to call the attention of your honorable bodies to the existing condition of legislation regarding the duties of the cattle commission. The statutory provisions defining the duties of this commission remain unrepealed, many of them mandatory in their character, and calling for the expenditure of large sums of money by the Commonwealth. The legislature in its wisdom has declined to make any appropriation to meet the expenses thus required to be incurred. In the absence of further action by your honorable bodies it is in my opinion prob-

able that many claims will be presented against the Commonwealth under the provisions of existing statutes.

Without at the present time expressing my personal views regarding the treatment of disease in cattle, further than to refer to the portion of my inaugural address of 1897 relating thereto, I am clearly of the opinion that legislation should be enacted at the present session which shall more clearly define the intent and purposes of the legislature upon this subject.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Public Statutes, Chap. 148, Sect. 14, returns of the following Changes of Names have been received in the office of Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts in their respective Counties:—

BARNSTABLE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1897.			
June 8,	Helmia Maria Anderson,* . . .	Eleanor Veeder,	Sandwich.
8,	Antone Souza,*	William Jacint,	Provincetown.
8,	Sylvia Mabel Sparrow,	Mabel Sparrow Sparrow,	Orleans.
Aug. 10,	Catherine Irvine,*	Catherine Evelyn Walker,	Harwich.
Nov. 9,	John Wing Horr,*	John Wing Cammett,	Barnstable.
Dec. 14,	Leroy Stanley Taylor,*	Leroy Stanley Wood,	Brewster.
14,	Emma Hall Taylor,*	Emma Hall Wood,	Brewster.
14,	Mary Sousa,*	Mary Sousa Almy,	Provincetown.

BERKSHIRE COUNTY.

Jan. 5,	Mande Irene Dicey,*	Madeline Irene Johnson,	Pittsfield.
March 2,	Harris Berkwitz,	Harris Berger,	Pittsfield.
16,	Harry Funk,*	Harry Miles Moore,	Lanesborough.
April 7,	John Simons,*	John Oles,	Alford.
May 4,	Pauline Greeger,*	Pauline Adelt,	Adams.
July 20,	Kenneth Carl Genebra,*	Kenneth Carl Michael,	Pittsfield.
20,	Harry Young,*	Harry Thomas,	Pittsfield.
20,	Jennie Louisa Goodrich,	Jennie Louisa Vollmer,	Hinsdale.
22,	George Albert Trembley,*	George Albert Ulorin,	Lee.
Sept. 7,	Harry Lozeau,*	James Henry Yon,	North Adams.
7,	Johanna Hartnett,*	Johanna Kearney,	Pittsfield.
8,	Bridget Carlow,*	Berdina Estelle Bibber,	So. Harpswell, Me.
Nov. 3,	Albert E. Crocker,*	Albert E. Warren,	Pittsfield.
15,	Anna May Fromma,*	Anna May McDonald,	Dalton.

BRISTOL COUNTY.

March 5,	Jeanette C. Nichols,*	Jeanette Nichols Bliss,	New Bedford.
5,	Minnie M. Woodmancy,*	Minnie M. Morrison,	Fall River.
5,	Ella M. Woodmancy,*	Ella M. Morrison,	Fall River.
5,	Lillian Belle Moores,*	Marjorie Fiske Ashworth,	No. Attleborough.
5,	Lillian May Moores,		
April 2,	William S. Caldwell,	Harry S. Caldwell,	New Bedford.
16,	Mabel Florence McIntyre,*	Elise Florence Baylies,	Taunton.
May 7,	Julia Webb,*	Maud Clayton Wood,	New Bedford.
7,	Rosella McCord,*	Gladys Louise Andrews,	Easton.
7,	Wilfred Côté,*	Wilfred Bernard,	Taunton.
7,	Harry Austin Provost,*	Everett Carlton Chase,	New Bedford.

* Changed by reason of adoption.

BRISTOL COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1897.			
June 18,	Lizzie H. Swift,*	Lizzie H. Holmes,	New Bedford.
July 2,	Martin Gossler,*	Martin Gossler Fluegel,	New Bedford.
Aug. 6,	Robert L. Haley,*	Robert L. Gifford,	New Bedford.
6,	Agnes J. Haley,*	Agnes J. Gifford,	New Bedford.
6,	Mary Hazel Lovering,*	Hazel Maud Lovering,	Fairhaven.
Sept. 3,	Roy E. Danforth,*	Roy E. Wilbur,	Raynham.
3,	Maggie J. Pepper,*	Maggie J. Hargraves,	Fall River.
17,	James Henry Ahern,*	James Henry Smith,	Raynham.
Oct. 1,	Harry McKenzie,*	Joseph Balfour McGraw,	Fall River.
Nov. 5,	John Smith,	John Cooper Smith,	Fall River.
5,	John Wing Horr,*	John Wing Cammett,	Barnstable.
Dec. 17,	Charlotte Irene Forrester,*	Charlotte Isabel Joseph,	New Bedford.

ESSEX COUNTY.

Jan. 18,	Mary Coral,*	Mabel Coral Timmins,	Lynn.
Feb. 15,	Alonzo Foster,	Alonzo Goodhue Foster,	Beverly.
March 1,	John Wall,*	Ralph Curtis Tibbetts,	Worcester.
1,	Theresa Wall,*	Helen Felton Tibbetts,	Worcester.
22,	Joseph J. Tellier,*	Joseph Jules Dion,	Lawrence.
Apr. 12,	Margaret J. Solomon,*	Mildred Arnold,	Boston.
12,	Marion L. Sweetser,*	Teresa Josephine Gletzgan,	Haverhill.
May 3,	Gertrude Finnegan,*	Gertrude Doherty,	Boston.
3,	Julius Yanofsky,	Julius Young,	Lynn.
3,	Ida A. Randall,	Ida Amanda Emerson,	Lynn.
10,	Laura E. Elwell,*	Laura Eta Day,	Gloucester.
17,	Hazel Bixby,*	Hazel Morse Edwards,	Beverly.
June 21,	Alice Furneaux,*	Alice Evelyn Purdy,	Melrose.
21,	Lewis M. Shillington,*	Lewis Stanley Moreland,	Lynn.
28,	Mary B. Butterfield,*	Mary Bell Willis,	Merrimac.
28,	Chandler Rand,	Chandler Rand Willis,	Merrimac.
28,	Hattie L. Cooper,	Eva Howard Allen,	Ambury.
Sept. 7,	Flossie Fisher,*	Doris Livingston,	Boston.
7,	Lizzie Goldthorp,*	Elizabeth Ogden,	Newburyport.
27,	Margaret M. Walker,*	Margaret Walker Small,	Saugus.
Oct. 4,	Mary L. Bennett,*	Mary Lillian Carew,	Hanover.
4,	Frederic Shutes,*	John Collins,	Lawrence.
Nov. 1,	Adaline R. Downes,	Adaline Rosalia Chambers,	Haverhill.
1,	Francis T. Atkins,	Frank Thomas Johnson,	Wenham.
1,	Abram L. Beanblossom,	Abram Lincoln Bean,	Lynn.
1,	Annie Bateman,*	Annie Quinn,	Lynn.
1,	Bertha Hickey,*	Bertha Helen Chadwick,	Newburyport.
8,	Mary L. Curtis,*	Mary Elizabeth Brown,	Peabody.
8,	Elliot O. Hopkins,*	Elliot Orman Foster,	Danvers.
Dec. 6,	Elizabeth Bateman,*	Elizabeth Goff,	Lawrence.
6,	Mary Cole,*	Marion Estelle Lowe,	Cambridge.
6,	Nellie M. Cresswell,*	Sybil Lang,	Lynn.
6,	Raymond McAllister,*	Raymond Watson Wright,	Cambridge.
6,	Herman L. Wright,*	Robert Eldredge Blood,	Boston.
20,	Lily Peck,*	Annie Reed,	Boston.

FRANKLIN COUNTY.

March 9,	Edna Leslie Howard,*	Edna Howard Pease,	Montague.
9,	Mildred Irene Howard,*	Mildred Irene Crawford,	Montague.
April 6,	Vera M. Allen,*	Etta Jane Bell,	Montague.
6,	Hattie Bell,*	Rachel Ross,	Montague.
May 4,	Sophia Frances Miller,*	Dorothy Bennett Atwood,	Northfield.
25,	Irene Keough,*	Nettie May Allen,	Buckland.
July 6,	Robert Bennett Dean,*	Robert Bennett Dean Martin,	Duckfield.
Sept. 7,	Charles Edward Paul,*	Charles Edward Pratte,	Montague.

* Changed by reason of adoption.

CHANGE OF NAMES.

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HAMPDEN COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1897.			
Jan. 6,	Samuel Clark,*	Claude Louis Barden,	Agawam.
16,	Annie Elizabeth Aucher,*	Annie Elizabeth Learned,	Mansfield, Conn.
April 7,	Hugh Rogers,*	Joseph Litourneau,	Westfield.
7,	Albert Hugh Elliot,*	Albert Hugh Bemis,	Springfield.
May 5,	Leslie Beach,	Leslie Clarence Smith,	West Springfield.
5,	Margretine Connors,*	Mabel Alice Sullivan,	Springfield.
8,	Pearl Avis Martin,*	Pearl Avis Hart,	Holyoke.
June 12,	Thomas Reid,*	Cyril Reid Nutting,	Chicopee.
16,	Edith May Bumstead,*	Edith Mae Hall,	Westfield.
19,	Emma Coleman Hunt,*	Bessie Eileen Winans,	Springfield.
July 7,	Adelaide Morris Knight,	Adelaide Morris Sheffield,	Monson.
7,	Maria Louise Johnson,	Maria Louise Johnson Longeway,	Chicopee.
21,	Helen Marguerite Thompson,*	Helen Marguerite Pidgeon,	West Springfield.
26,	Carrie May King,*	Carrie May Wilkinson,	Agawam.
Sept. 1,	Ellen Blake,*	Helen Sullivan,	Springfield.
1,	Alice Sellers,*	Alice Marion Beaton,	Holyoke.
Oct. 2,	Delmira Bargroan,*	Delmira Table,	Springfield.
20,	James Chester McMillan,*	William Wheeler,	Holyoke.
Nov. 3,	John Birtwistle Burnett,*	John Charles Telmosse,	Ludlow.
Dec. 23,	Gladys Marjorie Heywood,*	Gladys Marjorie Boies,	Springfield.

HAMPSHIRE COUNTY.

March 2,	Harry Coffin,*	Edward Judson Deltz,	Northampton.
Oct. 5,	Elsie Alice Burt,*	Ella Towne Kellogg,	Amherst.
5,	George Everton,*	Everton Ernest Parker,	Plainfield.
12,	Mary Agnes Tobin,*	Mary Agnes Wilson,	Northampton.
19,	Wilbur Daniel Swathell,	Wilbur Daniel Rice,	Northampton.
Dec. 7,	Edna Ruth Peeso,*	Edna Maria Boyce,	Belchertown.

MIDDLESEX COUNTY.

Jan. 5,	Loretta Maguire,*	Loretta Bedford,	Somerville.
5,	Mary Robinson,*	Marion Shumway,	Lowell.
12,	John William McCarthy,*	John William Friend,	Lowell.
26,	Ethel M. Pinney,*	Ethel Pinney Langley,	Lowell.
Feb. 2,	Marie Etta Garey,*	Marie Etta Jandron,	Marlborough.
9,	Guiseppa Paino,	Joseph Antonio Pine,	Marlborough.
16,	Mary Ryder,*	Mary Mooney,	Lowell.
16,	John Albert Wheeler,*	John Albert Sargent,	Boston.
March 2,	Harold Irving,*	Harold Irving Oliver,	Malden.
9,	William James Hanson Bastard,	William James Hanson,	Malden.
9,	Moses Krulewitch,	Moses Leavitt,	Lowell.
9,	Annie Krulewitch,	Annie Leavitt,	Lowell.
9,	Abraham Krulewitch,	Abraham Leavitt,	Lowell.
9,	Gertrude Krulewitch,	Gertrude Leavitt,	Lowell.
9,	Max Krulewitch,	Max Leavitt,	Lowell.
9,	Lewis Krulewitch,	Lewis Leavitt,	Lowell.
9,	Jacob Krulewitch,	Jacob Leavitt,	Lowell.
9,	Mary M. Gustine,*	Mary Gustine Scott,	Lowell.
23,	Russell Arthur Windle,*	Russell Arthur Roberson,	Sheffield, Ala.
23,	Hannah Hubbard,*	Annie Hubbard Goodman,	Brockton.
April 6,	William M. L. Warnock,	William J. Kelly,	Cambridge.
6,	Lillian May Simmons,	Lillian May Brigham,	Everett.
13,	Ruth Elizabeth Ramsey,*	Dorothy Lindsley Seaver,	Marlborough.
13,	Lillian May Dixon,*	Lillian May Fitzgerald,	Boston.
20,	Emma Townsend,*	Emma Whiteley,	Natick.
20,	Lizzie Tucker,*	Lizzie Tucker Farnham,	Lowell.
20,	William J. Jelly, Jr.,*	William James Jelly Smith,	Smithfield, Me.
			Cambridge.

* Changed by reason of adoption.

MIDDLESEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1897.			
April 27,	Lottie M. Neill,*	Helen Loomis,	Cambridge.
27,	Helen Gray Zinck,*	Helen Evans Grant,	Boston.
May 4,	Walter Chalner Shea,	Walter S. Chalner,	Somerville.
4,	David Wellington Montgomery,	Roger Wellington Montgomery,	Cambridge.
4,	Florence Elizabeth Trask,*	Constantia Elizabeth Hahn Wall,	Bellingham.
11,	Martha Rose Harkins,*	Martha Rose Openshaw,	Lowell.
11,	Ralph MacDougal,*	Ralph Carr,	Ashby.
18,	Lena Crowley,*	Lena O'Hare,	Boston.
18,	George Kidston,*	John Joseph Baird,	Boston.
25,	Nellie Rogers Cary,	Nellie Lee Cary,	Malden.
25,	Jessie Fritz,*	Jessie Irene Capers,	Malden.
25,	Etna V. Peterson,*	Aimee H. Tolliver,	Everett.
June 1,	Ellen Dorgan,*	Helen Sill,	Cambridge.
8,	Lillian McLuer,*	Lillian McLuer Grant,	Somerville.
8,	Susie Calnan,*	Catherine Boddy,	Lowell.
8,	Adelbert E. Woods,*	Adelbert Everett Ritchie,	Medford.
15,	Annie Mary Smith,*	Annie May Rummel,	Wakefield.
22,	Donald Rea Hanson Bastard,	Donald Rea Hanson,	Malden.
22,	Charles Gordon Rea Bastard,	Charles Gordon Rea Hanson,	Malden.
22,	Dorothy Forde,*	Dorothy Elizabeth Brock,	Framingham.
July 6,	Mary Elsie Bruce,	Elsie Marian Bruce,	Stoneham.
6,	Charles Harberg Farwell,*	Raymond Charles Stinson,	Boston.
6,	Albert Barnaby,*	Albert Barnaby Burdett,	Boston.
27,	Mary Murray,*	Mary Wier,	Lowell.
27,	Harold Dunsmoor,*	Harold Edmond Freeman,	Boston.
Sept. 7,	Frank Clark Freeman,	Frederic William Freeman,	Newton.
7,	Henry I. Enston,*	Henry I. Walker,	Somerville.
14,	Ruth Gendron Woodbury,*	Ruth Gendron Woodbury Har- rington,	Malden.
21,	Lula Helen Bridges,*	Lula Helen Barnard,	Boston.
28,	Clara Jennie S. Brown,*	Clara J. Teppe,	Cambridge.
28,	Avedis Mesrob Boolgoorjoo,	Avedis Mesrob Bool,	Melrose.
Oct. 12,	Ida M. McKona,*	Ida May Cummings,	Westford.
19,	Mary Pearl Kelly,*	Mildred Aldene Lufkin,	Boston.
19,	Christopher Walker,*	Howard Gerry Moulton,	Chelmsford.
Nov. 3,	Martha Wellington Holland,	Martha Norwood Holland,	Billerica.
3,	Donald Franklin Cushing,*	Donald Cushing Tarbell,	Cambridge.
3,	Gertrude Fairbanks,*	Gertrude Eaton,	Framingham.
9,	Frank J. Crowe,*	Frank J. Brundage,	Cambridge.
9,	Bessie M. Haggerty,*	Bertha May Hines,*	Cambridge.
9,	Caroline Frye Knight,*	Edith Mansfield Waters,*	Groton.
23,	May Pearl Doucette,*	Gyneth Margaret Salloway,	Boston.
23,	Carl Adolph Winther,*	Carl Winther Pflueger,	Cambridge.
23,	Mathilde Wilhelmine Dorothea Winther,*	Mathilde Winther Pflueger,	Cambridge.
23,	Hilda V. Connor,*	Hilda Lenore Mitchell,	Medford.
23,	Harold A. Farley,*	Harold Berkley Whittredge,	Lynn.
23,	Annie Cosgrove,*	Hazel Marion Perrault,	Boston.
23,	Kenneth T. McKay,*	Stanley Fridtjof Müllerstrom,	Arlington.
23,	John Cole,*	Ralph William Cashen,	Boston.
23,	Dorothy G. Dwyer,*	Dorothy Alvina Bangs,	Boston.
Dec. 7,	Marian M. Crowe,*	Marian Madeline Murray,	Cambridge.
7,	Charles Weaver Hayes,*	Charles Oscar Crosby,	Norton.
28,	Mary Lesley Bangs,	Lesley Dillingham Bangs,	Winchester.

NORFOLK COUNTY.

1896.			
Dec. 23,	Gertrude Flynn,*	Gertrude Evans,	Franklin.
1897.			
Jan. 20,	Annie Maud Taylor,*	Annie Maud Ryker,	Boston.
Mar. 17,	Joseph Collicott,*	Joseph Churchill Bacon,	Brookline.
17,	Arthur Clyde Robson,*	Arthur Clarence Mitchell,	Salem.

* Changed by reason of adoption.

CHANGE OF NAMES.

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NORFOLK COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1897.			
April 7,	Josephine Walsh,*	Hazel May Merriman,	Somerville.
May 5,	Nellie Garrity,*	Nellie Maria Fogelgren,	Boston.
12,	Ellen Kelley,*	Lillian Carson Gigie,	Boston.
19,	Mary Alice Barrett,*	Mary Alice Estabrook,	Hyde Park.
26,	Edward Dunham Anderson,*	Edward Dunham Ridgway,	Boston.
26,	Frank L. Robinson,*	Frank Sumner Mills,	Springfield.
June 16,	Robert Franklin Osgood,*	Archie Woodman Wilde,	Stoneham.
16,	Howard Haskell Cushing,*	Howard Cushing Thomas,	Cambridge.
16,	Robert McDonald,*	Roy Mealy,	Boston.
July 28,	Mary Ryan,*	Mary Lawrence,	Milton.
Oct. 13,	Edith Hubley,*	Edith Marian Randall,	Boston.
30,	Addie Durgin,*	Fannie Kendall Cushman,	Canton.

PLYMOUTH COUNTY.

Jan. 25,	Mary E. O'Donnell,*	Helen Foley,	Brockton.
May 24,	Estelle Morton,*	Estelle Marjory Reid,	East Bridgewater.
24,	Mary F. Harding,*	Mary F. Fobes,	Brockton.
July 12,	Ethel D. Blood,*	Ethel D. Kelley,	Brockton.
12,	Patrick Egan,*	Jay Patrick Galligan,	Middleborough.
Sept. 27,	Frederick N. Bates,*	Frederick N. Paul,	Whitman.
Oct. 25,	Henry B. Harrington,*	Henry B. McPherson,	Abington.
Dec. 13,	Grace Higgins,*	Edith Myrtle Armor,	Brockton.
27,	George Owen Clapp,*	George Martin Barden,	Middleborough.

SUFFOLK COUNTY.

Jan. 7,	Mary Markey,*	Ruth Mabie,	Boston.
7,	Marion Wilton,*	Marion Golden,	Cambridge.
14,	Frederick Gaboury,*	Charles Ready Napier,	Boston.
14,	Arthur B. Chase,*	Arthur Edwin Kramer,	Boston.
14,	John L. Mahoney,*	John Lawrence Maccubbin,	Boston.
21,	Edith Frances Gilmore,*	Edith Frances Pierce,	Somerville.
Feb. 28,	Conrad McKenzie,*	Arthur Conrad Titus,	Boston.
11,	William M. O'Harra,*	William M. Macdonald,	Boston.
11,	Amy E. Shields,*	Amy E. Nason,	Glasgow, Scotland.
18,	Irving Eckler,*	Irving Weimer,	Quincy.
18,	Bertha Kiley,*	Bertha Walsh,	Lynn.
18,	Cora Hudson,*	Margaret Eagle,	Boston.
18,	Harriet E. Burchsted,*	Harriet Elizabeth Fisher,	Boston.
25,	Josephine Hill,*	Josephine Helen Scherber,	Boston.
25,	Fred W. Engstrom,	Fred W. Armstrong,	Boston.
25,	Frank D. Engstrom,	Frank D. Armstrong,	Boston.
25,	Mary Lillia Harris,*	Ethel Annas Hunter,	Boston.
March 4,	Clara C. Austin Leach,	Clara C. Austin,	Boston.
4,	May Laura Simmons,	May Laura Perkins,	Boston.
15,	Richard Leary,*	Frank Gillis Bourassa,	Boston.
15,	Phoebe Edna Reid,*	Dorothy Edwards,	Boston.
25,	Walter Edmund Taylor,*	Walter Edmund Duffy,	Boston.
25,	Marion Agnes Cheney,*	Marion Agnes Dupee,	Boston.
April 1,	Emilia O. de A. Garceau,	Emilia O. de Angelis,	Boston.
1,	Mary Elizabeth Murphy,	Mary Elizabeth Murray,	Boston.
1,	William Johnstone Murphy,	William Johnstone Murray,	Boston.
1,	William Hamilton Murphy,	William Hamilton Murray,	Boston.
1,	Bertha Brown,*	Pearl Sutherland,	Boston.
1,	Clara Stevens,*	Clara Stevens Coffin,	Boston.
15,	Baby Wilson,*	Dorothy Elden,	Boston.
15,	Mary A. Sullivan,	Mary A. Lloyd,	Boston.
22,	Stella May McCloskey,*	Esther Alberta Rice,	Boston.
22,	Leona Haley Campbell,*	Viola Bertha Merchant,	Boston.

* Changed by reason of adoption.

SUFFOLK COUNTY—Continued.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1897.			
April 29,	Paul McKay,*	Albert Elwood Hector,	Boston.
29,	Pauline McKay,*	Alberta E. Hector,	Boston.
29,	Freddie Coyer,*	Frederick Lawrence Odiorne,	Boston.
29,	Letitia Ellen Bremick,*	Letitia Ellen Johnson,	Boston.
May 13,	Jacob M. Koviensky,	Jacob M. Koven,	Boston.
13,	Thomas F. Morrissey,	Thomas F. Morris,	Boston.
20,	Kate Annette Heyer,	Kate Prentice,	Boston.
20,	Henry Penzansky,	Henry Penn,	Boston.
20,	Lewis Jenkins,*	Lewis Warner,	Boston.
20,	Gladys Percy,*	Emily May Gladys Boyd,	Boston.
20,	Mabel F. Bacon,*	Mabel Frances Wood,	Boston.
27,	Francis Bailey,	Francis Porter,	Boston.
27,	Mary Kelliher,*	Beatrice Cranford Babcock,	Boston.
27,	Charles Wm. Peirce,	Carl Peirce,	Boston.
June 10,	George Lawrence Congdon,	George C. Lawrence,	Boston.
17,	Harry Lynch,*	Harry A. Fuller,	Chelsea.
17,	Arthur F. D. O'Connor,	Arthur Dorr Hayden,	Boston.
17,	William Widdop,	Winslow Frederick McIntyre,	Boston.
24,	Florence Crosby,*	Annie Sophia Johansson,	Boston.
24,	Alice M. McAlpine,*	Ruby Mabel Morrison,	Boston.
24,	Madeline Amelia Caswell,*	Madeline Amelia Costello,	Boston.
24,	Spencer Q. Mette,	Spencer Q. Stokes,	Boston.
July 1,	Helen MacIntyre,*	Helene Bradley Cundall,	Boston.
8,	Sabra Maude Angell,	Sabra Maude Harris,	Boston.
8,	Estella May Henderson,*	Estella May Wilson,	Boston.
15,	Frank Bowker Siegars,	Frank Bowker Siears,	Boston.
22,	Mary A. Cahill,	Mary A. Corcoran,	Boston.
22,	Samuel Garson Slobodkin,	Samuel Slobodkin Garson,	Boston.
22,	Earl Lovejoy Seymour,*	Charles Irving Rosebrook,	Boston.
29,	Augustus Ernest Gray,*	Augustine Ernest Murphy,	Boston.
Aug. 19,	Charles Rispoli,	Charles Rispoli Ross,	Boston.
19,	Rose A. Baker,	Luella Grace Mason,	Boston.
19,	Mary A. Carroll,*	Mary A. Pease,	Boston.
Sept. 2,	Alfred Lindquist,	Alfred Stevens,	Boston.
2,	Mabel Crandlemire,*	Mabel Fallon,	Boston.
9,	Frank Mullen,*	Francesco Paulo De Blasi,	Boston.
9,	Ethel Smith,*	Mildred Ethel Nesbitt,	Boston.
9,	Mary F. Doyle,	Edna S. Nourse,	Boston.
16,	Oliver B. Park,*	Oliver Park Black,	Boston.
23,	Hubert J. Beugnies,	Hubert Joseph Williams,	Boston.
23,	Clarice May Belle Hawkins,*	Clarice May Belle Arnold,	Boston.
23,	Ethel Leonore Hutchings,*	Ethel Leonore Morrill,	Boston.
30,	Ernestine P. Landers,*	Ernestine Pearl Trefry,	Boston.
Oct. 7,	Levi Jacobofsky,	Levi Jacobson,	Boston.
7,	Laura Colburn,*	Mildred McGregor,	Boston.
7,	Minnie Moore,*	Ethel Gladys Critcherson,	Boston.
14,	Helen May Young,	Helen May Coleman,	Boston.
14,	Azalia Nute Shea,	Azalia Shea Nelson,	Boston.
14,	Florence Lillian Shea,	Florence Lillian Nelson,	Boston.
14,	Patrick John Joyce,	John Howard Joyce,	Boston.
21,	Abraham Charles Werbralski,	Abraham Charles Webber,	Boston.
21,	Sarah A. Malone,	Sarah Ann Clark,	Boston.
21,	Erick Frandsen,	Erick Frankson,	Boston.
21,	Louis Edward Rosenham,	Louis Edward Ralston,	Boston.
28,	Clarence McKenzie,*	Clarence King,	Boston.
Nov. 11,	Ellen Crowley,*	Ellen Jane Honan,	Boston.
18,	Robert Armstrong Elliott,*	Robert Elliot Smith,	Boston.
18,	Bernice Kennedy,*	Bernice Batchelor Roberts,	Boston.
18,	Frances Crowley,*	Florence Gladys Crockett,	Boston.
Dec. 2,	Marguerite Blood,*	Marguerite Barnard Smith,	Boston.
9,	Maurice Slepian,	Maurice Greenwood,	Boston.
9,	Philip Pinkofsky,	Phillip Pinkney,	Boston.
9,	John Isaac Shapiro,	John I. Sparrow,	Boston.
16,	Joseph Navisky,	Joseph Navison,	Boston.
16,	Vincent Daboli,*	Vincent Percival,	Boston.
16,	Harry Hatchel,*	Harry Praischatis,	Boston.
16,	Dudley J. Mulrenin,*	Dudley J. Clogher Mulrenin,	Boston.

* Changed by reason of adoption.

CHANGE OF NAMES.

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SUFFOLK COUNTY—Concluded.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1897.			
Dec. 16,	Mollie C. Mulrenin,*	Mollie C. Mulrenin Clogher,	Boston.
16,	William P. Mulrenin,*	Wm. P. Clogher Mulrenin,	Boston.
16,	James Thomas Adelmann,*	James Thomas Gallagher,	Cambridge.
16,	Eugene Louis Adelmann,*	Eugene Louis Gallagher,	Cambridge.
16,	Rosanna Margaret Adelmann,*	Rosanna Margaret Gallagher,	Cambridge.
23,	Gladys M. Orr,*	Gladys M. Wallace,	Boston.
23,	Charles Samuel Croft,	Charles Samuel Pangborn,	Boston.
30,	Aldanna McMillan,*	Eola Glee Town,	Boston.
30,	Teresa Smith,*	Elizabeth Maud Bennett,	Boston.
30,	Hattie Edith Louesa Peters,*	Hattie Peters Howe,	Boston.

WORCESTER COUNTY.

Jan. 1,	Geneive Tracy,*	Geneive T. Woodside,	Worcester.
12,	Salamon Rudnitzky,	Salamon Reed,	Worcester.
19,	Mayer Barney Melnkov,	Mayer Barney Miller,	Worcester.
26,	John Joseph Doyle,*	Joseph Clarence Greene,	Gardner.
29,	Wilmot McDonald,	Walther Reinhold Lenk,	Fitchburg.
29,	Catharine Gerry,*	Catharine Powell,	Fitchburg.
Feb. 9,	Marguerite Lucas,*	Helen Theresa Bruso,	Worcester.
16,	Virginia Howland Howard,*	Ruth Packard Kloss,	Millbury.
March 2,	Collin Henry Dunnahoo,	Collin Henry Aiken,	West Boylston.
2,	Israel Potashinsky,	Edward Israel Potter,	Worcester.
5,	Frank Leslie Nelson,*	Frank D. Field,	Winchester, N. H.
9,	Kathelin Gertrude King,*	Laura Gertrude Wood,	Worcester.
16,	Martin Maloney,	Edward Martin Johnson,	Worcester.
19,	Lena Josephine Oliver,*	Lena Josephine Whitney,	Westborough.
April 2,	Helen McKenna,*	Helen Annie Burrage,	Leominster.
May 4,	Catherine Bridget Cronin,*	Catherine Cronin Mason,	Charlton.
4,	Edward Conway Cronin,*	Edward Cronin Mason,	Charlton.
7,	Leonna Fleibotte,*	Leonna Letendre,	Webster.
11,	Florence Mussey Day,	Charles Mussey Day,	Hopedale.
14,	William Waterhouse,*	Fred Clarence Hill,	Webster.
June 1,	Jennie Warren Graham,*	Ottile Marion Sanborn,	Tiverton, R. I.
8,	Irene Golden,*	Goldie Ethel Benson,	Worcester.
8,	Marguerite M. Powers,*	Marguerite Mary Peabody,	Hardwick.
15,	Grace Ney,*	Grace Elizabeth Winch,	Worcester.
15,	Clara A. Lamb,	Clara A. Hammond,	Charlton.
29,	Pearl Maria Stevens,*	Minnie Gertrude Snell,	Leicester.
July 13,	Albion Hills Holland,	Albion Hills Wilder,	Leominster.
Aug. 17,	Edith A. Ney,*	Georgie Edith Bailey,	Upton.
Sept. 28,	Harry Litchfield,	Harry Livingston Litchfield,	Fitchburg.
Oct. 5,	Anna Simard,*	Anna Ritchie,	Worcester.
5,	— Dahlquist,*	Florence Louisa Erikson,	Worcester.
15,	Catherine L. Davis,*	Elizabeth Doyle,	Clinton.
19,	Charles Engelbrekt Engelbrektson,	Charles Engelbrekt Andrews,	Fitchburg.
22,	Marguerite Murray,*	Marguerite Fox,	Sturbridge.
22,	Helen Murray,*	Helen Fox,	Sturbridge.
Nov. 29,	Walter Guy Kempton,*	Walter Guy Hubbard,	Worcester.
3,	Maria Mullen,*	Mabel Florence Dudley,	Barre.
3,	Mary Nicholeon,*	Mary Sullivan,	Worcester.
3,	Margaret E. McKay,*	Marguerite Louise Salls,	Athol.
3,	Helen Gladys Hale,*	Helen Gladys Stevens,	Worcester.
9,	Edith Dollinger,*	Ruth Elizabeth Boardman,	Leicester.
30,	Bates Worcester Smith,	Charles Bates Dana,	Worcester.
30,	Ethel Parks Smith,	Ethel Parks Dana,	Worcester.
Dec. 7,	Jennie L. Olsen,*	Jennie Christina Selligren,	Milford.
21,	Charles Henry Tibbets,*	Fred Franklin Taylor,	Holden.
21,	Elizabeth Gogolinski,*	Elizabeth Jessee,	Dudley.
21,	William Gogolinski,*	William Jacob Jessee,	Dudley.
31,	Mary Eliza Lane,*	Mary Eliza Smith,	Milford.

* Changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF THE
Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH FOR
THE POLITICAL YEAR

1898.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

ROGER WOLCOTT,

GOVERNOR.

JAMES MARTIN PERKINS *Private Secretary.*
EDWARD F. HAMLIN *Executive Secretary.*

HIS HONOR

W. MURRAY CRANE,

LIEUTENANT GOVERNOR.

COUNCIL — (By Districts).

I. — NATHANIEL F. RYDER Middleborough.
II. — BENJAMIN S. LOVELL Weymouth.
III. — GEORGE N. SWALLOW Boston.
IV. — JOHN H. SULLIVAN Boston.
V. — HORACE H. ATHERTON Saugus.
VI. — ELISHA H. SHAW Chelmsford.
VII. — ALLEN L. JOSLIN Oxford.
VIII. — WILLIAM B. PLUNKETT Adams.

WILLIAM M. OLIN,

SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Deputy.* HERBERT H. BOYNTON, *2d Deputy*

EDWARD P. SHAW,

TREASURER AND RECEIVER GENERAL.

JOHN Q. ADAMS, *1st Clerk.* A. B. C. DEMING, *2d Clerk.*

WENDELL P. MARDEN, *Cashier.*

JOHN W. KIMBALL,

AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* JAMES POPE, *2d Clerk.*

HOSEA M. KNOWLTON,

ATTORNEY-GENERAL.

FREDERICK E. HURD, FRANKLIN T. HAMMOND,
JAMES MOTT HALLOWELL, ARTHUR W. DEGOOSH,

ASSISTANT ATTORNEYS-GENERAL.

LEGISLATIVE DEPARTMENT.

GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1896.

SENATE.

President — GEORGE E. SMITH.

District.	Name of Senator.	Residence.
First Suffolk,	Ernest W. Roberts, . . .	Chelsea.
Second "	David B. Shaw,* . . .	Boston.
Third "	Daniel D. Rourke, . . .	Boston.
Fourth "	Charles I. Quirk, . . .	Boston.
Fifth "	William W. Towle, . . .	Boston.
Sixth "	James A. Gallivan, . . .	Boston.
Seventh "	Charles E. Folsom, . . .	Boston.
Eighth "	William W. Davis, . . .	Boston.
Ninth "	Joshua B. Holden, . . .	Boston.
First Essex,	Josiah C. Bennett, . . .	Lynn.
Second "	John D. H. Gauss, . . .	Salem.
Third "	Charles O. Bailey, . . .	Newbury.
Fourth "	Samuel W. George, . . .	Haverhill.
Fifth "	Joseph J. Flynn, . . .	Lawrence.
First Middlesex,	Albert L. Harwood, . . .	Newton.
Second "	Frederick W. Dallinger, . .	Cambridge.
Third "	William H. Hodgkins, . .	Somerville.
Fourth "	George E. Smith, . . .	Everett.

* Elected March 29; qualified April 6; in place of James E. Hayes, deceased.

District.	Name of Senator.	Residence.
Fifth Middlesex, . . .	Henry Parsons, . . .	Marlborough.
Sixth " . . .	William H. Brigham, . . .	Hudson.
Seventh " . . .	George Edson Putnam, . . .	Lowell.
Middlesex and Essex, . . .	Charles F. Woodward, . . .	Wakefield.
First Worcester, . . .	Ellery B. Crane, . . .	Worcester.
Second " . . .	Alfred S. Roe, . . .	Worcester.
Third " . . .	Harding R. Barber, . . .	Athol.
Fourth " . . .	Wilson H. Fairbank, . . .	Warren.
Fifth " . . .	William Henry Cook, . . .	Milford.
First Hampden, . . .	William W. Leach, . . .	Palmer.
Second " . . .	William B. Mahoney, . . .	Westfield.
Franklin and Hampshire, . . .	Joseph B. Farley, . . .	Erving.
Berkshire, . . .	William A. Whittlesey, . . .	Pittsfield.
Berkshire and Hampshire, . . .	Richard W. Irwin, . . .	Northampton.
First Norfolk, . . .	James H. Flint, . . .	Weymouth.
Second " . . .	Fred Homer Williams, . . .	Brookline.
First Plymouth, . . .	Walter L. Bouvé, . . .	Hingham.
Second " . . .	Loyed Ellis Chamberlain, . . .	Brockton.
First Bristol, . . .	William R. Black, . . .	Taunton.
Second " . . .	William Moran, . . .	Fall River.
Third " . . .	Rufus A. Soule, . . .	New Bedford.
Cape, . . .	William A. Morse, . . .	Tisbury.

HENRY D. COOLIDGE, *Clerk.*
 EDMUND DOWSE, *Chaplain.*
 JOHN G. B. ADAMS, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker—JOHN L. BATES.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1, .	{ John L. Bates, . . Hugh L. Stalker, . .	Boston. Boston.
2d,	Boston, Ward 2, .	{ John L. Kelly, . . James O'Connor, . .	Boston. Boston.
3d,	Boston, Ward 3, .	{ T. Frank Noonan, . . Peter F. Tague, . .	Boston. Boston.
4th,	Boston, Ward 4, .	{ William E. Mahoney, . . Jeremiah J. McCarthy, . .	Boston. Boston.
5th,	Boston, Ward 5, .	{ William J. Miller, . . Edmund J. Twomey, . .	Boston. Boston.
6th,	Boston, Ward 6, .	{ Daniel J. Kane, . . John A. Rowan, . .	Boston. Boston.
7th,	Boston, Ward 7, .	{ William T. A. Fitzgerald, . . Thomas Mackey, . .	Boston. Boston.
8th,	Boston, Ward 8, .	{ Francis J. Horgan, . . Daniel J. Kiley, . .	Boston. Boston.
9th,	Boston, Ward 9, .	{ John J. Gartland, Jr., . . David A. Mahoney, . .	Boston. Boston.
10th,	Boston, Ward 10, .	{ Charles S. Clerke, . . Charles H. Innes, . .	Boston. Boston.
11th,	Boston, Ward 11, .	{ George S. Selfridge,* . . Charles R. Saunders, . .	Boston. Boston.

* Elected March 1; qualified March 9; in place of Francis C. Lowell, resigned.

COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
12th,	Boston, Ward 12, .	{ John B. Dumond, . Alfred S. Hayes, .	Boston. Boston.
13th,	Boston, Ward 13, .	{ Hugh W. Bresnahan, . James B. Clancy, .	Boston. Boston.
14th,	Boston, Ward 14, .	{ John E. Baldwin, . David J. Gleason, .	Boston. Boston.
15th,	Boston, Ward 15, .	{ William Kells, Jr, . John A. McManus, .	Boston. Boston.
16th,	Boston, Ward 16, .	{ Osgood C. Blaney, . Albert W. Lyon, .	Boston. Boston.
17th,	Boston, Ward 17, .	{ Richard W. Garrity, . George H. Norton, .	Boston. Boston.
18th,	Boston, Ward 18, .	{ Thomas A. Conroy, . Michael E. Gaddis, .	Boston. Boston.
19th,	Boston, Ward 19, .	{ John J. Feneno, . Oliver S. Grant, .	Boston. Boston.
20th,	Boston, Ward 20, .	{ Thomas C. Bachelder, . Joseph I. Stewart, .	Boston. Boston.
21st,	Boston, Ward 21, .	{ Richard F. Andrews, Jr., William E. Skillings, .	Boston. Boston.
22d,	Boston, Ward 22, .	{ John Bleiler, . Randolph V. King, .	Boston. Boston.
23d,	Boston, Ward 23, .	{ Frank W. Estey, . Lemuel W. Peters, .	Boston. Boston.
24th,	Boston, Ward 24, .	{ Jonathan B. L. Bartlett, Edward B. Callender, .	Boston. Boston.
25th,	Boston, Ward 25, .	{ Frederick Hammond, . Leonard W. Ross, .	Boston. Boston.
26th,	Chelsea, Wards 1, 2, .	Melvin L. Breath, .	Chelsea.
27th,	Chelsea, Wards 3, 4, .	Edward E. Willard, .	Chelsea.
28th,	{ Chelsea, Ward 5, . Revere, . Winthrop, .	{ Scott F. Bickford, .	Revere.

COUNTY OF ESSEX.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Amesbury, . . .	Daniel W. Davis, . . .	Amesbury.
2d,	{ Merrimac, . . . } Newburyport, Ward 6, . . . Salisbury, . . . West Newbury, . . . }	Benjamin F. Stanley, . . .	Newburyport.
3d,	Haverhill, Wards 4, 6, . . .	Carleton F. How, . . .	Haverhill.
4th,	Haverhill, Wards 1, 2, 3, . . .	George H. Carleton, . . .	Haverhill.
5th,	Haverhill, Ward 5, . . .	George H. Bartlett, . . .	Haverhill.
6th,	{ Lawrence, Wards 1, 2, . . . } Methuen, . . . }	George G. Frederick, . . . George B. Smart, . . .	Methuen. Lawrence.
7th,	Lawrence, Wds 3, 4, 5, 6, {	Richard Cullinane, . . . Joseph H. Joubert, . . . Cornelius F. Sullivan, . . .	Lawrence. Lawrence. Lawrence.
8th,	{ Andover, . . . } Middleton, . . . North Andover, . . . }	Albert Poor, . . .	Andover.
9th,	{ Boxford, . . . } Georgetown, . . . Groveland, . . . Haverhill, Ward 7, . . . }	Edward H. Hoyt, . . .	Haverhill.
10th,	{ Danvers, . . . } Peabody, . . . Topsfield, . . . }	Addison P. Learoyd, . . . Abelard E. Wells, . . .	Danvers. Peabody.
11th,	{ Lynn, Ward 3, . . . } Swampscott, . . . }	James F. Seavey, . . . Robert S. Sisson, . . .	Lynn. Lynn.
12th,	{ Lynn, Wards 1, 5, 7, . . . } Lynnfield, . . . }	Charles O. Beede, . . . William H. Severance, . . .	Lynn. Lynn.
13th,	{ Lynn, Wards 2, 4, . . . } Nahant, . . . }	Henry C. Attwill, . . . Charles H. Ramsdell, . . .	Lynn. Lynn.
14th,	{ Lynn, Ward 6, . . . } Saugus, . . . }	Frank P. Bennett, . . . George F. Harwood, . . .	Saugus. Lynn.
15th,	Marblehead, . . .	William Bridgeo, . . .	Marblehead.
16th,	Salem, Wards 1, 2, . . .	William D. Chapple, . . .	Salem.
17th,	Salem, Wards 3, 5, . . .	J. Frank Dalton, . . .	Salem.

COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
18th,	Salem, Wards 4, 6, . . .	Charles E. Trow, . . .	Salem
19th,	{ Beverly, } { Essex, } { Gloucester, Ward 8, . } { Hamilton, } { Manchester, } { Wenham, }	Samuel Cole, Harry C. Foster,	Beverly. Gloucester.
20th,	{ Gloucester, Wards 1, 3, 4, } { 5, 6, }	John Favor, Harvey C. Smith,	Gloucester. Gloucester.
21st,	{ Gloucester, Wards 2, 7, } { Rockport, }	Leander M. Haskins, . . .	Rockport.
22d,	{ Ipswich, } { Newbury, } { Newburyport, Wards 1, } { 2, 3, 4, 5, } { Rowley, }	Warren Boynton, Charles P. Mills,	Ipswich. Newburyport.

COUNTY OF MIDDLESEX.

1st,	Cambridge, Ward 1, . . .	James J. Myers, . . .	Cambridge.
2d,	Cambridge, Ward 2, {	William R. Davis, . . . James A. Montgomery,	Cambridge. Cambridge.
3d,	Cambridge, Ward 3, . . .	John H. Ponce, . . .	Cambridge.
4th,	Cambridge, Ward 4, {	Daniel S. Coolidge, . . . Charles P. Keith, . . .	Cambridge Cambridge.
5th,	Cambridge, Ward 5, . . .	Albert S. Apsey, . . .	Cambridge.
6th,	Somerville, Ward 1, . . .	Horace C. White, . . .	Somerville.
7th,	Somerville, Wards 2, 4, {	Franklin E. Huntress, . . . Melville D. Jones, . . . Franklin F. Phillips, . . .	Somerville. Somerville. Somerville.
8th,	Somerville, Ward 3, . . .	Leonard B. Chandler, . . .	Somerville.
9th,	Medford, Wards 1, 2, 4, 5,	J. Gilman Waite, . . .	Medford.
10th,	Everett, {	Amos E. Hall, H. Heustis Newton,	Everett. Everett.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Malden,	{ Harvey L. Boutwell, . Charles L. Dean, . John A. Powers, .	Malden. Malden. Malden.
12th,	{ Medford, Wards 3, 6, Winchester,	{ John F. Libby, . . .	Medford.
13th,	{ Arlington, Lexington,	{ George F. Mead, . . .	Lexington.
14th,	{ Belmont, Watertown,	{ Fred E. Crawford, . .	Watertown.
15th,	Waltham,	{ Otis M. Gove, . . . George W. Whidden, .	Waltham. Waltham.
16th,	Newton,	{ Albert F. Hayward, . Edward L. Pickard, .	Newton. Newton.
17th,	{ Bedford, Concord, Lincoln, Weston,	{ Charles E. Brown, . .	Concord.
18th,	Natick,	Francis C. Perry, . . .	Natick.
19th,	{ Ashland, Holliston, Hopkinton, Sherborn,	{ Zephaniah Talbot, . .	Holliston.
20th,	Framingham,	Charles Dudley Lewis, .	Framingham.
21st,	{ Marlborough, Sudbury, Wayland,	{ George Balcom, . . . William L. Morse, . .	Marlborough. Marlborough.
22d,	{ Boxborough, Hudson, Maynard, Stow,	{ Rufus Howe,	Hudson.
23d,	{ Acton, Ayer, Littleton, Shirley, Westford,	{ Frank H. Whitcomb, .	Acton.

COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
24th,	{ Ashby, . . . Groton, . . . Pepperell, . . . Townsend, . . . }	George L. Whitcomb, .	Townsend.
25th,	{ Chelmsford, . . . Dunstable, . . . Lowell, Wards 4, 7, 8, Tyngsborough, . }	Wm. H. I. Hayes, . . Wm. A. Lang, . . . James P. Ramsay, . .	Lowell. Lowell. Lowell.
26th,	Lowell, Wards 1, 2, 3, 6, {	Henry J. Draper, . . Joseph E. Pattee, . . Edward T. Rowell, . .	Lowell. Lowell. Lowell.
27th,	{ Billerica, . . . Burlington, . . . Carlisle, . . . Dracut, . . . Lowell, Wards 5, 9, . North Reading, . . Tewksbury, . . . Wilmington, . . . }	Butler Ames, . . . Frank H. Farmer, . .	Lowell. Tewksbury.
28th,	{ Reading, . . . Woburn, . . . }	James Wilson Grimes, . Alva S. Wood, . . .	Reading. Woburn.
29th,	Wakefield, . . .	Charles A. Dean, . .	Wakefield.
30th,	Stoneham, . . .	William H. Marden, .	Stoneham.
31st,	Melrose, . . .	George R. Jones, . .	Melrose.

COUNTY OF WORCESTER.

1st,	{ Athol, . . . Phillipston, . . . Royalston, . . . }	Oscar T. Brooks, . .	Athol.
2d,	{ Ashburnham, . . . Gardner, . . . Templeton, . . . Winchendon, . . . }	Francis Leland, . . Levi G. McKnight, . .	Templeton. Gardner.
3d,	{ Barre, . . . Dana, . . . Hardwick, . . . Hubbardston, . . . Petersham, . . . Westminster, . . . }	Austin F. Adams, . .	Barre.

COUNTY OF WORCESTER — CONTINUED.

District	Town or Ward.	Name of Representative.	Residence.
4th,	{ Holden, . . . New Braintree, . . North Brookfield, . Oakham, . . . Princeton, . . . Rutland, . . . }	Charles E. Parker, .	Holden.
5th,	{ Brookfield, . . . Sturbridge, . . . Warren, . . . West Brookfield, . }	Henry V. Crosby, .	Brookfield.
6th,	{ Leicester, . . . Paxton, . . . Spencer, . . . }	Jerome Bottomley, .	Leicester.
7th,	{ Charlton, . . . Dudley, . . . Oxford, . . . Southbridge, . . . Webster, . . . }	Albert F. Hiscox, . Andrew R. Snow, .	Dudley. Webster.
8th,	{ Auburn, . . . Douglas, . . . Millbury, . . . Sutton, . . . }	Thomas H. Meek, .	Douglas.
9th,	{ Blackstone, . . . Grafton, . . . Northbridge, . . . Shrewsbury, . . . Uxbridge, . . . }	Romeo E. Allen, . Arthur R. Taft, .	Shrewsbury. Uxbridge.
10th,	{ Hopedale, . . . Mendon, . . . Milford, . . . Upton, . . . Westborough, . . }	Walter S. V. Cooke, . Appleton P. Williams, .	Milford. Upton.
11th,	{ Berlin, . . . Boylston, . . . Clinton, . . . Northborough, . . Southborough, . . Sterling, . . . West Boylston, . . }	Asa B. Fay, . . . Walter F. Howard, .	Northborough. Clinton.
12th,	{ Bolton, . . . Fitchburg, Ward 6, . Harvard, . . . Lancaster, . . . Lunenburg, . . . }	Harold Parker, . .	Lancaster.

COUNTY OF WORCESTER—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
13th,	{ Fitchburg, Wards 1, 2, 3, { 4, 5, }	Albert H. Burgess, . Francis F. Farrar, .	Fitchburg. Fitchburg.
14th,	Leominster,	Alexander S. Paton, .	Leominster.
15th,	Worcester, Ward 1, . .	George M. Rice, . .	Worcester.
16th,	Worcester, Ward 2, . .	Moses D. Gilman, . .	Worcester.
17th,	Worcester, Ward 3, . .	William I. McLoughlin,	Worcester.
18th,	Worcester, Ward 4, . .	Michael L. Russell, .	Worcester.
19th,	Worcester, Ward 5, . .	James F. Carberry, .	Worcester.
20th,	Worcester, Ward 6, . .	George W. Coombs, .	Worcester.
21st,	Worcester, Ward 7, . .	Charles R. Johnson, .	Worcester.
22d,	Worcester, Ward 8, . .	Charles G. Washburn, .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Goshen, } { Hadley, } { Hatfield, } { Northampton, } { Westhampton, } { Williamsburg, }	Charles S. Crouch, . John W. Hill, . . .	Northampton. Williamsburg.
2d,	{ Chesterfield, } { Cummington, } { Easthampton, } { Huntington, } { Middlefield, } { Plainfield, } { Southampton, } { Worthington, }	Horatio Bisbee, . .	Chesterfield.
3d,	{ Amherst, } { Granby, } { South Hadley, } { Pelham, }	Henry E. Gaylord, .	South Hadley.
4th,	{ Belchertown, } { Enfield, } { Greenwich, } { Prescott, } { Ware, }	William N. Newcomb, .	Ware.

COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Brimfield, . . . Holland, . . . Monson, . . . Palmer, . . . Wales, . . . }	Thomas W. Kenefick, .	Palmer.
2d,	{ Agawam, . . . East Longmeadow, . Granville, . . . Hampden, . . . Longmeadow, . . . Ludlow, . . . Southwick, . . . Tolland, . . . Wilbraham, . . . }	Arthur D. King, . . .	Ludlow.
3d,	Springfield, Wards 1, 2, 8, {	George F. Fuller, . . Willmore B. Stone, .	Springfield. Springfield.
4th,	Springfield, Wards 3, 4, 5, {	Henry H. Bosworth, . Albert T. Folsom, .	Springfield. Springfield.
5th,	Springfield, Wards 6, 7, .	Charles E. Hoag, . . .	Springfield.
6th,	{ Chicopee, Wards 1, 2, 3, { 4, 5, 6, }	Daniel J. Driscoll, 2d, .	Chicopee.
7th,	{ Chicopee, Ward 7, . . Holyoke, Wards 1, 2, 3, { 4, 5, }	Thomas J. Dooling, . . John F. Sheehan, . . .	Holyoke. Holyoke.
8th,	Holyoke, Wards 6, 7, .	Ashton E. Hemphill, .	Holyoke.
9th,	{ Blandford, Chester, Montgomery, Russell, West Springfield, . . Westfield, }	S. Augustus Allen, . . Andrew Campbell, . .	Westfield. Westfield.

COUNTY OF FRANKLIN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Ashfield, . . . Buckland, . . . Charlemont, . . . Colrain, . . . Conway, . . . Hawley, . . . Heath, . . . Monroe, . . . Rowe, . . . Shelburne, . . . }	George E. Bemis, . . .	Charlemont.
2d,	{ Bernardston, . . . Gill, . . . Greenfield, . . . Leyden, . . . }	Herbert C. Parsons, . . .	Greenfield.
3d,	{ Deerfield, . . . Leverett, . . . Montague, . . . Sunderland, . . . Wendell, . . . Whately, . . . }	Benjamin W. Mayo, . . .	Montague.
4th,	{ Erving, . . . New Salem, . . . Northfield, . . . Orange, . . . Shutesbury, . . . Warwick, . . . }	Marcus M. Stebbins, . . .	Erving.

COUNTY OF BERKSHIRE.

1st,	{ Clarksburg, . . . North Adams, . . . }	John E. Magenis, . . . Frank S. Richardson, . . .	North Adams. North Adams.
2d,	{ Dalton, . . . Hancock, . . . Lanesborough, . . . New Ashford, . . . Williamstown, . . . }	Almon E. Hall, . . .	Williamstown.
3d,	{ Adams, . . . Cheshire, . . . Florida, . . . Savoy, . . . Windsor, . . . }	Julius C. Anthony, . . .	Adams.

COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	Pittsfield, }	Daniel England, . . John M. Stevenson, .	Pittsfield. Pittsfield.
5th,	{ Becket, Hinsdale, Lenox, Peru, Richmond, Washington, West Stockbridge, . }	Luke J. Macken, . . .	Hinsdale.
6th,	{ Lee, New Marlborough, . Otis, Sandisfield, Stockbridge, Tyringham, }	William A. Nettleton, .	Stockbridge.
7th,	{ Alford, Egremont, Great Barrington, . Monterey, Mount Washington, . Sheffield, }	George W. Mellen, . .	Gt. Barrington.

COUNTY OF NORFOLK.

1st,	{ Dedham, Norwood, Westwood, }	Francis O. Winslow, . .	Norwood.
2d,	Brookline,	James M. Codman, Jr., .	Brookline.
3d,	Hyde Park,	Samuel A. Tuttle, . . .	Hyde Park.
4th,	{ Canton, Milton, }	Frederic P. Drake, . .	Canton.
5th,	Quincy, }	Thaddeus H. Newcomb, James Thompson, . . .	Quincy. Quincy.
6th,	{ Braintree, Weymouth, }	Martin E. Hawes, . . . Edward B. Nevin, . . .	Weymouth. Weymouth.
7th,	{ Avon, Holbrook, Randolph, }	Henry A. Belcher, . .	Randolph.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
8th,	{ Sharon, . . . Stoughton, . . . Walpole, . . . }	William Curtis, . . .	Stoughton.
9th,	{ Dover, . . . Medfield, . . . Millis, . . . Needham, . . . Wellesley, . . . }	Albert Clarke, . . .	Wellesley.
10th,	{ Bellingham, . . . Foxborough, . . . Franklin, . . . Medway, . . . Norfolk, . . . Wrentham, . . . }	Elbridge J. Whitaker, . George Fenelon Wil- liams,	Wrentham. Foxborough.

COUNTY OF PLYMOUTH.

1st,	{ Kingston, . . . Plymouth, . . . }	William S. Kyle, . . .	Plymouth.
2d,	{ Duxbury, . . . Marshfield, . . . Norwell, . . . Pembroke, . . . Scituate, . . . }	William A. Josselyn, . .	Pembroke.
3d,	{ Cohasset, . . . Hingham, . . . Hull, . . . }	Edward E. Wentworth,	Cohasset.
4th,	{ Hanover, . . . Hanson, . . . Rockland, . . . }	Eben C. Waterman, . .	Hanover.
5th,	{ Abington, . . . Whitman, . . . }	Franklin P. Harlow, . .	Whitman.
6th,	{ Carver, . . . Lakeville, . . . Marion, . . . Mattapoisett, . . . Rochester, . . . Wareham, . . . }	Nathaniel G. Staples, . .	Lakeville.
7th,	{ Halifax, . . . Middleborough, . . . Plympton, . . . }	David G. Pratt, . . .	Middleborough.

COUNTY OF PLYMOUTH — CONCLUDED.

District	Town or Ward.	Name of Representative.	Residence.
8th,	{ Bridgewater, . . . East Bridgewater, . . West Bridgewater, . }	Thomas W. Crocker, .	Bridgewater.
9th,	Brockton, Wards 3, 4, .	Eugene B. Estes, .	Brockton.
10th,	Brockton, Wards 1, 2, 5, }	Charles W. Tilton, . John J. Whipple, .	Brockton. Brockton.
11th,	Brockton, Wards 6, 7, .	David W. Battles, .	Brockton.

COUNTY OF BRISTOL.

1st,	{ Attleborough, . . . North Attleborough, Norton, Rehoboth, Seekonk, }	Alfred R. Crosby, . Burrill Porter, Jr., .	Attleborough. N. Attleborough.
2d,	{ Easton, Mansfield, Raynham, }	Frank W. Barnard, .	Mansfield.
3d,	Taunton, Wards 5, 7, 8, .	Eugene E. Donovan, .	Taunton.
4th,	Taunton, Wards 2, 3, 4, .	Silas D. Reed, .	Taunton.
5th,	{ Berkley, Dighton, Taunton, Wards 1, 6, }	Joseph M. Philbrick, .	Taunton.
6th,	{ Acushnet, Dartmouth, Fairhaven, Freetown, }	John O. Slocum, .	Dartmouth.
7th,	{ New Bedford, Wards 1, 2, 3, }	Thomas M. Denham, . Samuel Ross, . . .	New Bedford. New Bedford.
8th,	{ New Bedford, Wards 4, 5, 6, }	William J. Bullock, . Frank W. Francis, .	New Bedford. New Bedford.
9th,	{ Fall River, Wards 1, 2, Westport, }	John W. Connelly, . James Whitehead, .	Fall River. Fall River.
10th,	Fall River, Wards 3, 4, 5, }	Thomas Donahue, . Michael B. Jones, .	Fall River. Fall River.

COUNTY OF BRISTOL — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
11th.	{ Fall River, W'rds 6, 7, 8, 9, Somerset, . . . Swanzy, . . . }	Hugo A. Dubuque, . Alexander Lockhart, . Andrew H. Morrison, .	Fall River. Fall River. Fall River.

COUNTY OF BARNSTABLE.

1st.	{ Barnstable, . . . Bourne, . . . Falmouth, . . . Mashpee, . . . Sandwich, . . . }	Seba A. Holton, . . .	Falmouth.
2d.	{ Chatham, . . . Dennis, . . . Harwich, . . . Yarmouth, . . . }	Luther Hall, . . .	Dennis.
3d.	{ Brewster, . . . Eastham, . . . Orleans, . . . Provincetown, . . . Truro, . . . Wellfleet, . . . }	Thomas D. Sears, . . .	Brewster.

COUNTY OF DUKES COUNTY.

1st.	{ Chilmark, . . . Cottage City, . . . Edgartown, . . . Gay Head, . . . Gosnold, . . . Tisbury, . . . West Tisbury, . . . }	William S. Swift, . . .	Tisbury.
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COUNTY OF NANTUCKET.

1st.	Nantucket, . . .	Rollin M. Allen, . . .	Nantucket.
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JAMES W. KIMBALL, *Clerk.*
DANIEL W. WALDRON, *Chaplain.*
JOHN G. B. ADAMS, *Sergeant-at-Arms.*

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

WALBRIDGE A. FIELD, of *Boston.*

ASSOCIATE JUSTICES.

CHARLES ALLEN, of *Boston.*
 OLIVER WENDELL HOLMES, of *Boston.*
 MARCUS P. KNOWLTON, of *Springfield.*
 JAMES M. MORTON, of *Fall River.*
 JOHN LATHROP, of *Boston.*
 JAMES MADISON BARKER, of *Pittsfield.*

SUPERIOR COURT.

CHIEF JUSTICE.

ALBERT MASON, of *Brookline.*

ASSOCIATE JUSTICES.

CALEB BLODGETT, of *Boston.*
 JOHN W. HAMMOND, of *Cambridge.*
 JUSTIN DEWEY, of *Springfield.*
 EDGAR J. SHERMAN, of *Lawrence.*
 ROBERT R. BISHOP, of *Newton.*
 DANIEL W. BOND, of *Waltham.*
 HENRY K. BRALEY, of *Fall River.*
 JOHN HOPKINS, of *Millbury.*
 ELISHA BURR MAYNARD, of *Springfield.*
 FRANKLIN G. FESSENDEN, of *Greenfield.*
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 CHARLES S. LILLEY, of *Lowell.*
 HENRY N. SHELDON, of *Boston.*
 FRANCIS A. GASKILL, of *Worcester.*
 JOHN H. HARDY, of *Arlington.*
 HENRY WARDWELL, of *Salem.*
 WILLIAM B. STEVENS, of *Stonham.*

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ROBERT GRANT, Boston,	SUFFOLK.
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CHARLES J. McINTIRE, Cambridge,	MIDDLESEX.
GEORGE FIELD LAWTON, Lowell,	MIDDLESEX.
WILLIAM T. FORBES, Westborough,	WORCESTER.
WILLIAM G. BASSETT, Northampton,	HAMPSHIRE.
CHARLES L. LONG, Springfield,	HAMPDEN.
CHESTER C. CONANT, Greenfield,	FRANKLIN.
EDWARD T. SLOCUM, Pittsfield,	BERKSHIRE.
GEORGE WHITE, Newton,	NORFOLK.
BENJAMIN W. HARRIS, East Bridgewater,	PLYMOUTH.
WILLIAM E. FULLER, Taunton,	BRISTOL.
HIRAM P. HARRIMAN, Wellfleet,	BARNSTABLE.
CHARLES G. M. DUNHAM, Edgartown,	DUKES.
THADDEUS C. DEFRIEZ, Nantucket,	NANTUCKET.

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JEREMIAH T. MAHONEY, Salem,	ESSEX.
SAMUEL H. FOLSOM, Winchester,	MIDDLESEX.
GEORGE H. HARLOW, Worcester,	WORCESTER.
HUBBARD M. ABBOTT, Northampton,	HAMPSHIRE.
SAMUEL B. SPOONER, Springfield,	HAMPDEN.
FRANCIS M. THOMPSON, Greenfield,	FRANKLIN.
FRED. R. SHAW, Adams,	BERKSHIRE.
JONATHAN COBB, Dedham,	NORFOLK.
JOHN C. SULLIVAN, Middleborough,	PLYMOUTH.
ARTHUR M. ALGER, Taunton,	BRISTOL.
FREEMAN H. LOTHROP, Barnstable,	BARNSTABLE.
BERIAH T. HILLMAN, Edgartown,	DUKES.
HENRY RIDDELL, Nantucket,	NANTUCKET.

DISTRICT ATTORNEYS.

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FRED N. WIER, Lowell,	NORTHERN.
ALDEN P. WHITE, Danvers,	EASTERN.
ROBERT O. HARRIS, East Bridgewater,	SOUTHEASTERN.
ANDREW J. JENNINGS, Fall River,	SOUTHERN.
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CHARLES L. GARDNER, Palmer,	WESTERN.
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JOSIAH F. BARRETT, Nantucket,	NANTUCKET.

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JOHN NOBLE, Boston, Supreme Judicial Court,	SUFFOLK.
JOSEPH A. WILLARD, Boston, Sup. Ct., Civil Bus.,	} SUFFOLK.
JOHN P. MANNING, Boston, Sup. Ct., Crim. Bus.,	
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THEODORE C. HURD, Winchester,	MIDDLESEX.
THEODORE S. JOHNSON, Worcester,	WORCESTER.
WILLIAM H. CLAPP, Northampton,	HAMPSHIRE.
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EDWARD E. HOBART, Plymouth,	PLYMOUTH.
SIMEON BORDEN, Fall River,	BRISTOL.
SMITH K. HOPKINS, Barnstable,	BARNSTABLE.
SAMUEL KENISTON, Edgartown,	DUKES.
JOSIAH F. MURPHEY, Nantucket,	NANTUCKET.

MEMBERS OF THE FIFTY-FIFTH CONGRESS.

[Congressional Districts established by Chap. 396, Acts of 1891, and Chap. 519, Acts of 1896.]

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GEORGE F. HOAR, of Worcester.
 HENRY CABOT LODGE, of Nahant.

REPRESENTATIVES.

DISTRICT I. — GEORGE P. LAWRENCE, of North Adams.
 II. — FREDERICK H. GILLET, of Springfield.
 III. — JOSEPH H. WALKER, of Worcester.
 IV. — GEORGE W. WEYMOUTH, of Fitchburg.
 V. — WILLIAM S. KNOX, of Lawrence.
 VI. — WILLIAM H. MOODY, of Haverhill.
 VII. — WILLIAM E. BARRETT, of Melrose.
 VIII. — SAMUEL W. McCALL, of Winchester.
 IX. — JOHN F. FITZGERALD, of Boston.
 X. — SAMUEL J. BARROWS, of Boston.
 XI. — CHARLES F. SPRAGUE, of Brookline.
 XII. — WILLIAM C. LOVERING, of Taunton.
 XIII. — WILLIAM S. GREENE, of Fall River.

APPENDIX.

The following tables have been prepared by FISHER AMES, Esq., appointed to that duty under Chapter 238 of the Acts of 1882, which directs the Governor to appoint some person to prepare "tables showing what general statutes have been affected by subsequent legislation, in such manner as to furnish ready reference to all changes in such statutes."

TABLES

SHOWING

WHAT GENERAL STATUTES OF THE COMMONWEALTH
HAVE BEEN AFFECTED BY SUBSEQUENT
LEGISLATION.

I.

CHANGES IN THE "PUBLIC STATUTES."

Chapter 1.—Of the Jurisdiction of the Commonwealth and Places ceded to the United States.

SECT. 1. Provision is made for defining the boundary line between Massachusetts and other states. Connecticut, — Res. 1898, 39. Rhode Island, — St. 1883, 113, 154. Res. 1897, 88; 1898, 7. New Hampshire, — Res. 1885, 73; 1886, 58; 1890, 73; 1891, 70; 1895, 106. New Hampshire and Vermont, — Res. 1893, 87. New York, — Res. 1897, 25; 1898, 6. For renewal of monuments marking boundary lines. St. 1898, 299.

SECT. 3. A part of Gallop's island in Boston Harbor is added. St. 1889, 27. And certain lands in Winthrop. 1891, 81. In Taunton. 1891, 197. And part of Peddock's island. 1897, 240.

SECT. 4. Lands for the use of the United States fisheries commission added. St. 1882, 131. (See 1892, 43.) And land in Hull. 1898, 512.

Provision for Commonwealth reclaiming and improving waste lands with labor of certain convicts. St. 1898, 393.

Chapter 2.—Of the General Court.

Legislation recommended by State boards, etc., shall be reported to the secretary of the Commonwealth before first Wednesday in January. St. 1893, 144.

The employment of legislative counsel and agents is regulated and provision made for returns of expenses therefor. St. 1890, 456; 1891, 223; 1895, 410; 1896, 342. (See 1891, 349; 1894, 298.)

Stenographic reports of committee hearings shall be deposited in State library, on or before end of session. St. 1897, 113.

SECTS. 1-4. See St. 1898, 548 § 257.

SECT. 5 *et seq.* Manner of publishing notice and presenting petitions changed in certain cases. St. 1885, 24; 1890, 302; 1896, 381. (See 1885, 371; 1888, 375 § 3.)

Advertisement of committee hearings regulated. St. 1898, 76. (See 1885, 371; 1897, 503.)

SECTS. 15, 16. Compensation of members changed. The issuing to or acceptance by them of railroad tickets free, or at less than usual rates, is forbidden. St. 1892, 59. (See 1884, 319; 1886, 352; 1894, 359.)

SECTS. 17, 18. Compensation of door-keepers, messengers, postmaster and pages fixed. St. 1895, 193. (See 1882, 257; 1887, 116; 1895, 11. Res. 1894, 86.)

SECTS. 21, 22. Clerks' salaries fixed and allowance made for clerical assistance. St. 1884, 329, 334; 1888, 1; 1894, 394. (See 1882, 257.)

SECTS. 24, 35 repealed. St. 1884, 60.

SECT. 27. Number of door-keepers, etc., increased. St. 1882, 257 § 4; 1895, 11.

SECT. 28. See 1889, 150, 440 §§ 9, 14; 1894, 393 § 9.

SECT. 32. See St. 1888, 436 § 14; 1892, 124; 1893, 417 §§ 137, 148.

SECT. 34. Additional holidays. St. 1882, 49; 1887, 263. Fast Day abolished and April 19 made a holiday. St. 1894, 130; 1896, 162.

Chapter 3. — Of the Statutes.

A commission is established to promote uniformity of legislation in the United States. St. 1891, 405; 1893, 311. (See 1897, 232.)

Provision for codification of public statutes. Res. 1896, 87.

SECT. 1. When an act is to be voted on for acceptance by a municipal or other corporation, a return of the vote must be made to the secretary of the Commonwealth. St. 1883, 100.

SECT. 3. Words "mayor and aldermen" defined. St. 1882, 164.

"Net indebtedness" of towns, cities and districts defined. St. 1883, 127.

Legal notices may be published in a periodical devoted exclusively to legal news. St. 1885, 235.

Word "gaming" includes lotteries, policy, pool buying or selling and registering bets. St. 1895, 419 § 1.

Political terms defined. St. 1898, 548 § 1. (See 1895, 489, 507.)

CL. 10. The word "lunatic" wherever it occurs in the laws relating to the insane is changed to "insane person." St. 1898, 433 § 23.

Chapter 4. — Of the Printing and Distribution of the Laws and Public Documents.

This chapter is revised. St. 1894, 393; 1895, 96, 238, 250, 290, 363, 463 § 2; 1896, 86, 189, 221, 223, 258; 1897, 134 § 2, 141, 243; 1898, 175, 320. (See 1882, 6, 158; 1883, 55; 1884, 166; 1885, 369; 1886, 346 § 2; 1887, 118; 1888, 23, 85, 122, 186, 191, 256, 383; 1889, 32, 35, 124,

150, 164, 212, 440; 1890, 50, 97, 126, 223 § 3, 347 § 2, 423 § 118; 1891, 76, 191, 193, 292; 1892, 140; 1893, 70, 108, 144, 223, 413, 417 § 204, 438, 476 § 3; 1894, 200; 1898, 433 § 23. Res. 1886, 36; 1891, 60; 1894, 20; 1896, 5, 26, 27, 33, 35, 42, 61, 70, 88, 96, 99, 111; 1897, 6, 8, 20, 95.)

Provision is made for publishing tables of changes in the general statutes. St. 1882, 238. For reports of election cases. Res. 1886, 36. For reports of capital cases. St. 1886, 214. For supplements to the Public Statutes. St. 1888, 383. Res. 1891, 60. St. 1895, 363; 1898, 311. Histories of certain Massachusetts soldiers and sailors. St. 1889, 374; 1891, 235. Res. 1891, 100; 1892, 67. (See 1893, 411, 413. Res. 1895, 62, 104; 1896, 87; 1897, 22.)

Provision made for payment of postage and express charges on certain public documents. St. 1895, 93. (See 1889, 53; 1892, 422.)

No illustrations shall be introduced into printed reports to the governor or legislature unless authorized by law, or approved by secretary of state. St. 1896, 258.

Chapter 5.—Of the State House, the Sergeant-at-Arms and State Library.

Additional accommodations are provided for. St. 1882, 262; 1888, 349; 1889, 300, 394; 1892, 404, 438; 1893, 450; 1894, 532. (See 1891, 224; 1893, 129, 325, 411; 1895, 39, 490; 1896, 531, 549; 1898, 395. Res. 1891, 21, 25; 1892, 34, 96.) Portraits of governors to be collected. Res. 1890, 58; 1895, 54.

SECTs. 4, 6, 9, 10. The duties of the sergeant-at-arms are revised. St. 1884, 14; 1887, 128; 1889, 53; 1890, 456 § 2; 1891, 223; 1894, 230 § 2, 298; 1895, 11, 284.

He shall give bond for faithful performance of duties and accounting. St. 1895, 284 § 3.

Clerk provided for. St. 1887, 128. Salaries fixed: Sergeant-at-arms. St. 1895, 284 § 2. (See 1884, 333; 1887, 128.) Clerk. St. 1893, 358. (See 1887, 128.) Messenger. St. 1893, 409. Certain expenses provided for. St. 1894, 314; 1895, 10, 93, 365. (See 1884, 179; 1889, 53; 1898, 366. Res. 1895, 68.)

SECT. 12 is revised. Contingent expenses of the council and officers in the State House are omitted. St. 1887, 128. Authority enlarged. St. 1894, 531. (See 1897, 204.)

SECT. 15 *et seq.* The trustees and librarian are authorized to prepare an index of current events. St. 1892, 140.

SECT. 17 repealed. Appointment of trustees and librarian regulated and salaries fixed. St. 1893, 86. (See 1887, 209; 1892, 287, 422; 1894, 176; 1897, 113.)

SECT. 18. Additional allowance made for assistance in State library. St. 1891, 24. (See 1882, 29; 1886, 66.)

SECT. 20. Appropriation for books, furniture, etc., increased. St. 1897, 114. (See 1882, 196; 1888, 24.)

Chapter 6.—Of the Qualification and Registration of Voters.

This chapter is revised. St. 1898, 548. (See 1882, 247, 268; 1884, 298; 1885, 246, 271 § 6, 345 § 7; 1886, 68, 264; 1887, 249, 329, 432; 1888, 200, 206; 1889, 69, 196, 337 § 1, 404; 1890, 393, 423 §§ 2-65, 208; 1891, 242, 277, 286, 290, 395; 1892, 351; 1893, 209, 351, 417; 1894, 268, 271, 291; 1895, 2, 27, 61, 207, 220, 355, 425, 436, 489, 502; 1896, 73, 109, 363, 469, 527, 547; 1897, 210, 530; 1898, 423. Amendments to constitution, arts. 3, 32.) Special provisions for Boston. St. 1897, 296; 1898, 401, 548 §§ 9, 70-80.

Chapter 7.—Of the Manner of Conducting Elections and Returning Votes.

This chapter is revised, and the laws relating to elections codified and consolidated. St. 1898, 548. (See 1882, 28, 74, 260; 1883, 42, 100, 229; 1884, 299; 1885, 108, 142, 159, 229, 248, 268, 351; 1886, 49, 262, 264; 1887, 272, 371; 1888, 146, 164, 203, 353, 434, 436, 437, 441; 1889, 191, 413; 1890, 175, 219, 223, 254, 381, 386, 393, 423, 436; 1891, 10, 31, 74, 155, 238, 256, 264, 269, 270, 278, 305, 314, 328, 329, 336; 1892, 51, 115, 124, 190, 224, 279, 316, 332, 368, 405, 406, 416, 431; 1893, 39, 87, 146, 177, 209, 304, 307, 308, 349, 351, 376, 417, 465; 1894, 132, 200, 209, 248, 275, 343, 385, 449, 504, 508 §§ 4, 5; 1895, 89, 196, 220, 237, 240, 242, 244, 253, 262, 275, 285, 299, 323, 355, 436, 489, 502, 507, 508; 1896, 244, 363, 383, 393, 469, 498, 518, 527; 1897, 91, 475, 482, 530; 1898, 83, 163, 171, 191, 217, 378, 379, 435, 472, 554.)

Chapter 8.—Of the Election of Governor and other State Officers.

This chapter is revised. St. 1898, 548 §§ 208, 311-323. (See 1884, 299 § 7; 1885, 107; 1886, 262 § 5; 1890, 423 §§ 146-164, 228; 1893, 417 §§ 146, 198, 247.)

New senatorial and councillor districts are established, and new apportionment made of representatives. St. 1896, 509. (See 1886, 256, 338, 348; 1897, 287, 475.)

Chapter 9.—Of the Election of Representatives in Congress and Electors of President and Vice President.

This chapter is revised. St. 1898, 548 §§ 208, 271, 272, 280, 312, 313. (See 1888, 382; 1890, 423 §§ 165-187, 228; 1891, 234 § 2; 1892, 279; 1893, 417, Title IX.)

New congressional districts established. St. 1896, 519. (See 1891, 396.) The requirement of residence in the district is omitted. St. 1882, 253.

Chapter 10.—Of the Election of District and County Officers.

This chapter is revised. St. 1898, 548, Title X. (See 1890, 198, 423 §§ 188-207; 1892, 115; 1893, 39, 417, Title IX.)

The office of commissioner of insolvency is abolished. St. 1895, 100. (See Res. 1894, 87.)

Chapter 11. — Of the Assessment of Taxes.

Provision for uniformity in assessment. St. 1898, 507.

Provision is made for a State tax on certain collateral successions and grants. St. 1891, 425; 1892, 379; 1893, 432; 1895, 307, 430; 1896, 108.

Polls and estates established as a basis for apportionment of State and county taxes. St. 1898, 232. (See 1883, 71; 1886, 73; 1889, 103; 1892, 96; 1895, 90.) In certain cities the tax rate may be based on valuation of preceding year. St. 1893, 247.

The rate of taxation is limited in cities. St. 1885, 312 § 1; 1893, 247, 445. (See 1885, 178; 1887, 226.)

Provision for assessment of property held for water-supply purposes in another city or town. St. 1893, 352. (See 1897, 327.)

The assessors may divide any ward in a city into convenient assessment districts. St. 1889, 115.

They shall print and distribute in cities and certain towns, and post in other towns, lists of voters and polls. St. 1893, 417 § 18; 1898, 548 § 18. (See 1884, 298 § 19; 1888, 206; 1890, 305, 423 §§ 25, 26; 1891, 277; 1892, 351 §§ 7-10.)

SECT. 1. As to poll taxes on females, see St. 1893, 417 §§ 14, 16; 1898, 548 §§ 14, 16.

SECT. 4. "Or indebtedness" substituted for "due" in sixth line. St. 1882, 76. But see St. 1888, 363. Words "this proviso shall apply to corporations mentioned in Pub. St., ch. 13 § 46," added. St. 1887, 228.

Railroad bonds are made taxable. St. 1888, 363.

Personal property leased for profit is made taxable, where situate, to the owner or person having possession. St. 1889, 446.

SECT. 5, cl. 3, is revised. Certain societies and associations are added. St. 1889, 465. (See 1882, 217 § 2; 1886, 231; 1888, 158.)

CL. 9. Certain real estate of incorporated horticultural societies is exempted. St. 1884, 176.

CL. 10. It does not affect the exemption that the property is owned in common with others. St. 1885, 169.

CL. 11. Domestic fowls to the value of fifteen dollars exempted. St. 1894, 220.

CL. 12. See St. 1884, 298 § 7. Property of certain disabled soldiers and sailors exempted to the amount of \$2,000. St. 1897, 148; 1898, 370. (See 1894, 315; 1895, 202.)

SECT. 6. See St. 1883, 189.

SECT. 10. The provisions of this section are extended. St. 1898, 353. (See 1887, 373; 1889, 286; 1891, 116; 1893, 149.)

SECT. 13. The person appearing as the owner of record is to be held to be the true owner even though deceased. St. 1889, 84.

SECT. 14 amended. "Taxable real estate," in first line, changed to "real estate not exempt from taxation under section five of this chapter." St. 1882, 175 § 3.

SECTS. 14-16. See St. 1888, 390 §§ 32-34; 1889, 334.

SECT. 20. Provision made for assessment of personal property held by an assignee in insolvency, or for creditors; and of personal property held

by joint owners or tenants in common, other than partners. St. 1882, 165.

Royalty-paying machines are assessable. St. 1887, 125. Personal property leased for profit shall be assessed where situated. St. 1889, 446.

Cl. 2. An act to prevent the double taxation of certain machinery. St. 1894, 304.

Cl. 5. Amended to prevent double taxation. St. 1894, 490.

Cl. 6. See St. 1888, 390 § 26.

Cl. 7. See St. 1891, 425; 1892, 379; 1893, 432; 1895, 307, 430; 1896, 108.

SECT. 31 *et seq.* See St. 1885, 312; 1893, 247, 445.

SECT. 34. See St. 1882, 133.

SECT. 38. Returns of mortgages of real estate provided for. St. 1882, 175. And of property held for literary, benevolent, charitable or scientific purposes. St. 1882, 217; 1888, 323. Uniform returns provided for. St. 1894, 294. Inspection of lists restricted. St. 1898, 507.

SECT. 38 *et seq.* See St. 1884, 298 §§ 11-14; 1888, 200, 206; 1890, 423 § 17; 1893, 352, 417 §§ 16-21; 1898, 548 §§ 16-23.

SECTS. 38, 72. See Res. 1892, 55.

SECT. 39 amended. St. 1891, 381.

SECT. 44. Provision for abatement without a new list in certain cases. St. 1894, 354.

SECT. 49. The overlay is valid, although it may cause the tax to exceed the legal limit. St. 1887, 226. (See 1885, 312; 1887, 281; 1888, 362; 1893, 247, 445.)

SECT. 50. Form of lists regulated. St. 1898, 507 § 2. (See 1888, 307; 1897, 439 § 14.)

SECTS. 52-55 are amended and changes made in returns. St. 1883, 41, 91; 1890, 242; 1891, 65. (See 1885, 106; 1886, 56; 1887, 86. Amendments to constitution, art. 32.) As to Boston, see St. 1894, 318.

SECT. 61. Assessors shall certify amount assessed upon each poll as State and county tax respectively. St. 1889, 467 § 1.

SECT. 69. Tenants under obligation to pay taxes may apply for abatement. St. 1888, 315. (See 1890, 127.)

SECTS. 69-76. Appeal may be made to superior court. Proceedings regulated. St. 1890, 127; 1895, 75. (See 1882, 218; 1893, 352 § 3.)

SECT. 73. See St. 1884, 298 § 11; 1888, 200 §§ 1, 4; 1890, 423 § 14; 1893, 417 § 22; 1898, 548 § 23.

SECT. 75. Interest allowed on taxes abated. St. 1894, 207.

SECT. 77. See St. 1885, 67, 161.

SECT. 78 is revised. St. 1888, 362. (See 1886, 85.)

SECT. 90. Assessors must send to tax commissioner all lists and statements received of exempt property. St. 1882, 217 § 3. (See 1890, 160 §§ 2, 3.)

SECT. 91. Amount of sinking funds or proportionate annual payments of debts must be given. St. 1882, 133 § 2.

SECT. 92. As to Boston, see St. 1882, 252 § 5; 1892, 419 § 138.

SECT. 93. Apportionment of State and county taxes is to be stated on

tax bills of males assessed for poll tax only, and they are not entitled to a certificate under this section. St. 1889, 467 § 2. (See 1884, 298 § 8.)

SECTS. 96, 97. For apportionments, see St. 1883, 71; 1886, 73; 1889, 103; 1892, 96; 1895, 90; 1898, 232, 546.

Chapter 12.—Of the Collection of Taxes.

This chapter is repealed, and the law as to the collection of taxes revised and codified. St. 1888, 390; 1889, 253, 334; 1890, 331; 1891, 288, 425; 1892, 109, 168, 370, 379; 1893, 241, 432; 1894, 537; 1895, 307, 430; 1896, 108; 1897, 126, 153 § 8. (See 1882, 243; 1883, 101; 1884, 162, 242; 1886, 320; 1887, 110, 142.)

The service of process in the collection of taxes is regulated. St. 1892, 168. Provision made for preservation of accounts, papers and records relating to assessment and collection of taxes. St. 1892, 370.

State treasurer may sue to recover the State legacy and succession tax. St. 1891, 425 § 18.

Provision to prevent excessive charges in redemption of tax titles. St. 1891, 288.

Chapter 13.—Of the Taxation of Corporations.

Office of deputy tax commissioner abolished and that of tax commissioner and commissioner of corporations established; duties defined and salary fixed. St. 1890, 160; 1891, 233 § 2, 360; 1894, 484, 522 § 92; 1897, 63; 1898, 578 § 4. (See 1882, 217 § 3, 252 § 5; 1887, 214 § 94, 342 § 1; 1890, 127 § 7; 1896, 402.)

Deputy provided for. St. 1898, 507 § 3.

SECT. 2. Salaries of clerks fixed and allowance made for clerical assistance. St. 1887, 342 § 2; 1891, 342.

SECT. 6. See St. 1882, 217 § 3, 252 § 5.

SECTS. 8, 9. Provision made for counsel to defend suits to recover a national bank tax paid to a city or town. St. 1886, 332. (See 1887, 142 § 3; 1888, 390 § 95.)

SECTS. 17, 40. Title insurance companies are to be taxed under these sections. St. 1884, 180 § 5; 1887, 214 §§ 62-64; 1894, 522 §§ 62-64.

SECT. 20. The exemption is extended. 1883, 248. (See P. S. ch. 116 § 20, cl. 8. St. 1886, 77.)

SECTS. 20, 22. Taxes upon savings banks to be assessed by, and returns made to tax commissioner. St. 1890, 160 § 4. Provision for repayment of tax on real estate used for banking purposes. St. 1890, 406; 1891, 171.

SECT. 24 is repealed. The capital stock, franchises and personal estate, but not the real estate, of co-operative banks are exempted. St. 1890, 63. (See 1883, 98; 1885, 121 § 3.)

SECT. 25 *et seq.* The provisions as to the taxation of insurance companies are revised, and §§ 26, 34, 37 are amended. St. 1887, 283; 1888, 154; 1890, 197; 1892, 129. (See 1887, 214 §§ 19, 64; 1894, 522 §§ 19, 64.)

SECT. 33 amended. When reinsurance is effected otherwise than by

licensed resident agent no deduction is to be made for sums paid therefor. St. 1888, 154. (See 1887, 214; 1890, 197; 1892, 129.)

SECTS. 38-40. Telephone companies are to be taxed under these sections. St. 1885, 238; 1886, 270.

SECTS. 38-41, 53-66 shall apply to street railway companies. St. 1898, 417, 578. As to returns by and taxation of street railways, see St. 1898, 578 §§ 2, 6-9.

SECTS. 40, 52, 53, 54, 57, 58, 59. Taxation of safe deposit, loan and trust companies regulated. St. 1888, 413 §§ 21-24.

SECT. 43. Taxation of foreign mining, quarrying, land and oil companies regulated. St. 1882, 106; 1883, 74; 1884, 330 § 3; 1886, 230. (See 1891, 341.)

SECT. 46. Corporations mentioned in this section are within the proviso of P. S. ch. 11 § 4, as to local taxation. St. 1887, 228. Rate of taxation fixed. St. 1895, 300.

SECTS. 57, 58 are repealed and superseded, so far as relates to street railways. St. 1898, 578.

SECTS. 61, 62. Appeal from assessors may be made to superior court. Proceedings regulated. St. 1890, 127. (See 1895, 75; 1898, 505 § 3, 578 § 28.)

Chapter 14. — Of the Militia.

This chapter is revised. St. 1893, 367, 439; 1894, 236; 1895, 465; 1896, 348, 425; 1897, 391, 438, 448; 1898, 84, 142, 347, 348, 359, 428, 447, 525, 561, 570. (See 1882, 97, 154 § 11, 178, 179; 1884, 45, 230; 1885, 147, 236; 1886, 63, 105, 237; 1887, 411; 1888, 366, 384; 1889, 360; 1890, 425; 1891, 232; 1892, 238, 366; 1893, 193, 231. Res. 1882, 15; 1890, 67.)

An act regulating the staff of the commander-in-chief. St. 1898, 359.

A naval brigade is established. St. 1892, 366; 1893, 367 § 29; 1894, 312; 1896, 182; 1898, 183, 407. (See 1888, 366.) And a nautical training school. St. 1891, 402; 1893, 124.

Provisions relative to enlistment in the United States service, and for raising provisional companies. St. 1898, 428, 447, 454.

Provision made for armories in cities. St. 1888, 384; 1894, 211; 1897, 253. (See 1893, 121, 367 §§ 90, 92-97; 1895, 465 § 5.) And for a military museum. St. 1897, 204.

The law defining what bodies of men may parade with arms is revised. St. 1895, 465 § 6. (See 1887, 411 § 124; 1890, 425 § 10; 1893, 367 § 124. Res. 1890, 67.)

Ambulance corps reorganized. St. 1894, 236.

Provision is made for appointment of a State military and naval historian. St. 1889, 374; 1891, 235. (See Res. 1894, 14, 94; 1895, 62, 104; 1896, 80; 1898, 55.) For a compilation of records of the revolutionary war. Res. 1891, 100. (See 1897, 22; 1898, 5.) And of the grand army of the republic. St. 1893, 411. (See St. 1893, 413; 1897, 179, 399; 1898, 425.)

Chapter 15.—Of the Executive Department and the Secretary of the Commonwealth.

Provision for delegates to certain national conventions. St. 1894, 376.

SECTS. 1-10. Salaries fixed: Governor; St. 1892, 101. (See 1884, 328; 1892, 59.) Governor's private secretary and executive clerk; St. 1891, 411. (See 1884, 8; 1885, 77; 1887, 83; 1898, 104.) Executive messenger; 1891, 429. (See 1884, 38; 1887, 221.) Stenographer; 1897, 188. (See 1892, 16.) Secretary of the Commonwealth; 1888, 385. (See 1884, 79.) First and second clerks; 1891, 410. (See 1885, 87; 1886, 238.) Third clerk; 1897, 351. (See 1883, 48; 1887, 26; 1893, 103.) Allowance for messenger and clerk hire; 1890, 239; 1893, 112; 1895, 402. And for extraordinary expenses. St. 1890, 415. (See 1884, 15; 1889, 53, 101; 1890, 455; 1895, 93; 1898, 393.)

SECT. 2. Salary of lieutenant-governor, when acting governor, fixed. St. 1896, 347.

SECT. 9. Secretary must give bond and make annual reports. St. 1892, 262; 1893, 148; 1896, 443. (See 1894, 393 § 7; 1898, 367.)

Additional duties. St. 1882, 28 § 3, 221. Res. 1882, 56. St. 1883, 99; 1884, 14, 98 § 4; Res. 1884, 60. St. 1885, 24, 288, 313 § 6, 319, 337, 379 §§ 4-6; 1886, 214; 1887, 118; 1889, 316, 471. Res. 1889, 41, 50, 104. St. 1890, 239, 242, 302, 421 § 8, 439, 448, 456 § 6; 1891, 65, 360 § 5; 1892, 192; 1893, 144, 226, 417; 1894, 326 § 2, 378, 393, 542; 1895, 242; 1896, 248, 258; 1897, 243; 1898, 502 § 2, 525, 548.

SECT. 12. Form and device of great seal established. St. 1885, 288; 1898, 519.

SECT. 15 repealed. Forms for returns to be furnished by commissioners of prisons. St. 1882, 226.

Chapter 16.—Of the Auditor, Treasurer and Matters of Finance.

The par of exchange established by U. S. Rev. St. § 3565 is adopted. St. 1882, 110.

Duties of auditor extended. St. 1882, 22; 1883, 258, 264; 1884, 179, 207, 255 § 30; 1885, 41, 313, 371 § 2, 385; 1886, 300; 1887, 87; 1891, 384 § 2; 1893, 417 § 123; 1896, 248, 258, 302; 1897, 501; 1898, 378, 393 § 3, 525 § 1, 548 §§ 267, 270. (See 1893, 287.)

Provision made for auditing accounts of county officers, officers of inferior courts and trial justices, and for returns and payments by them. St. 1887, 438; 1888, 275; 1890, 216, 306, 380 § 3, 1893, 270; 1894, 183, 248. (See 1886, 169; 1890, 204, 215; 1898, 334 § 5.)

Provision made for an agent to prosecute claims of the Commonwealth against the United States. Res. 1883, 45.

Claims under St. 1862, 62; 1863, 254, to be filed with the auditor. St. 1882, 112. (See 1894, 67.)

Provisions of this chapter extended to advances on account of nautical training school. St. 1893, 124.

SECT. 2. Salaries fixed. Auditor; St. 1889, 70. (See 1885, 195.) Clerks; St. 1891, 275. Expert in printing; St. 1896, 248. (See 1885,

195; 1887, 30; 1888, 432; 1893, 287.) Clerical assistance. St. 1894, 397; 1898, 521. (See 1898, 367.)

SECT. 7. Time for auditor's report changed. St. 1884, 207.

SECT. 14. See St. 1890, 330.

SECT. 17. Clerks and clerical assistance provided for, and salaries of treasurer and clerks fixed. St. 1885, 263; 1886, 38, 334; 1889, 349; 1891, 233; 1893, 432; 1895, 276, 392; 1896, 326. (See 1882, 111; 1883, 164; 1885, 15; 1891, 310; 1894, 522 §§ 4, 83; 1898, 380, 473.) Messenger allowed. St. 1897, 256. Office hours regulated. St. 1886, 257; 1896, 522. (See 1898, 367.)

Provisions in regard to trust deposits. St. 1891, 233; 1893, 224; 1894, 522 §§ 31, 79, 94. (See 1887, 214 § 94; 1890, 330.) Standard weights and measures. St. 1897, 443.

Additional duties of treasurer. See St. 1893, 465; 1896, 302, 498, 518; 1898, 378, 393, 548 § 267, 562 §§ 95-102, 578 § 5.

SECT. 18 superseded. St. 1890, 160. (See 1894, 484.)

SECTS. 19, 26, 60. Provision for management of surplus accumulations of sinking funds. St. 1891, 259. (See 1893, 424.) Certain moneys are to be paid into the school fund. St. 1890, 335. Res. 1894, 90.

Treasurer may receive from the United States, and pay over, sums for the soldiers' home. St. 1890, 373. (See 1889, 282.) And moneys from cities and towns in support of practice and model schools. St. 1896, 133. (See 1893, 407 § 9; 1894, 288 § 10, 483 § 4; 1898, 393 § 9.) As to Massachusetts volunteers' fund, see St. 1882, 112; 1894, 67.

SECT. 26. Annual financial estimates are to be made to the auditor. St. 1885, 41.

SECT. 28. Advances for small expenses and method of accounting therefor provided for. St. 1884, 179; 1887, 269 § 5, 438; 1888, 180, 322; 1890, 58; 1891, 54; 1893, 124; 1894, 245, 314; 1895, 10. (See 1889, 53; 1892, 68; 1895, 34.)

Certain unclaimed funds shall be paid to the treasurer. St. 1890, 330.

SECT. 42 repealed, and power of committees to cause hearings to be advertised limited. St. 1885, 371; 1897, 503. (See 1885, 24.)

SECT. 52. Payments of money from sales of public property regulated. St. 1884, 326. (See 1897, 121.)

SECT. 53. Suits for collateral legacy and succession tax are to be brought by the treasurer. St. 1891, 425 § 18. (See 1892, 379; 1893, 432.)

SECT. 54. Advances on account of monthly salaries authorized. St. 1895, 34.

SECT. 55 extended to trust and safe deposit companies approved by the governor and council. St. 1891, 310.

SECT. 60. Additional investments are allowed. St. 1882, 130.

SECTS. 72, 73 repealed. St. 1887, 438 § 8. (See 1886, 169; 1888, 275; 1890, 216, 306, 380, 440 § 6; 1893, 270, 396 § 9.)

Chapter 17.—Of the Attorney-General and the District Attorneys.

SECTS. 1, 2. Duties and authority of the attorney-general regulated. St. 1892, 159; 1894, 127; 1895, 373; 1896, 490. (See 1886, 216; 1888, 425; 1898, 367.) Provision for publication of opinions. Res. 1898, 95.

Salaries fixed. St. 1889, 402. (See 1896, 490 § 3.)

SECT. 3. Attorney-general shall appear in capital cases when the public interests require it. St. 1891, 379 § 10; 1893, 324. (See 1890, 374; 1891, 379 § 3; 1895, 372.)

SECT. 8 extended. St. 1892, 159; 1894, 127; 1895, 373.

SECT. 9 is revised. St. 1898, 436. (See 1886, 214; 1890, 374; 1895, 372.)

SECT. 10. Allowance for contingent expenses increased. St. 1890, 388.

SECTS. 13-15. Salaries fixed and assistants allowed: Eastern district; St. 1882, 156, 157; 1888, 289. Middle; 1889, 250. (See 1885, 168.) Assistant; 1888, 157; 1893, 138. Southern; 1892, 319. Assistant; 1897, 306. (See 1893, 437.) South-eastern; 1888, 267. Assistant; 1891, 113; 1894, 297. (See 1888, 267 § 2.) Suffolk; 1887, 160. First assistant; 1892, 233. Second assistant; 1898, 235. (See 1887, 160.) Clerk; 1889, 238. (See 1882, 245 § 2; 1887, 160.) Western, 1887, 97.

Salaries of all assistants are to be paid out of the treasury of the Commonwealth. St. 1895, 424.

SECT. 16. See St. 1888, 267 § 2; 1891, 113.

SECT. 19 is extended. St. 1893, 345. (See 1885, 379 § 7.)

Chapter 18.—Of Notaries Public and Commissioners to administer Oaths of Office and to take Acknowledgments of Deeds.

Form of acknowledgment and execution of deeds, etc., established. St. 1894, 253; 1895, 460. (See 1895, 237; 1898, 562.)

SECT. 1. Notaries have jurisdiction throughout and are appointed for the Commonwealth. St. 1891, 38. (See 1895, 379.)

Women may be appointed special commissioners to administer oaths, take acknowledgments and depositions and summon witnesses. St. 1883, 252; 1889, 107; 1896, 476; 1898, 187, 574. (See 1882, 139.)

SECT. 14. The oath may be taken before a United States minister or consul. St. 1885, 31.

Chapter 19.—Of the Board of Harbor and Land Commissioners.

The commissioners are authorized to remove wrecks and obstructions in tide-waters. St. 1883, 260. (See 1887, 98.)

United States government may occupy and fill flats on Gallop's island, and build structures over tide-waters. St. 1889, 27 § 2. And on Ped-dock's island. St. 1897, 240 § 3.

SECT. 1. Salaries fixed. St. 1898, 572. (See 1893, 298.) As to report of amounts due, see St. 1898, 366.

SECT. 2. Custody of archives of Maine lands transferred to the secretary of the Commonwealth. St. 1883, 99.

SECT. 3 not to apply to certain province lands. St. 1893, 470 § 4. (See 1886, 144.) The commissioners have general care and supervision of the Connecticut river and of structures therein. St. 1885, 344; 1891, 266; 1898, 498. (See 1882, 274; 1883, 183.) Building restricted in the river. St. 1893, 301. Provision for industrial camp for convicts. St. 1898, 393.

They have the same charge of Commonwealth lands, not otherwise provided for, that they have of lands in tide-waters. St. 1886, 144. (See 1888, 318; 1891, 309 § 3; 1893, 470; 1897, 146, 392, 486; 1898, 278 § 3, 393.)

SECT. 7. Regulations are established for Gloucester harbor; St. 1885, 315; 1895, 106. Harbor lines are established for Boston; St. 1892, 358 § 2. East Boston; 1882, 48. South bay, Boston; 1898, 278. (See 1891, 309.) Chelsea; 1887, 344. Gloucester; 1882, 103; 1883, 109; 1895, 106 § 2. Haverhill; 1883, 104. (See 1891, 344; 1893, 435; 1897, 479, 486.)

SECT. 8 *et seq.* The board has supervision over great ponds and may license structures therein. St. 1888, 318. (See 1886, 248.) A license is required to dam a navigable stream or outlet of a great pond for cranberry culture. St. 1892, 55. (See 1889, 383.)

SECTS. 8, 10, 11, 12 apply to the Connecticut river. St. 1885, 344 §§ 2, 3; 1891, 266.

SECTS. 10-13, 16 apply to great ponds. St. 1888, 318 § 5.

SECT. 16. See St. 1897, 146.

Chapter 20.—Of the State Board of Agriculture.

An agricultural experiment station is established, and membership and duties of board of control prescribed. St. 1882, 212; 1883, 105; 1885, 327; 1887, 31, 212; 1888, 333; 1889, 111; 1894, 143, 144; 189, 557, 421; 1896, 254, 297; 1897, 117. (See 1888, 296; 1898, 366, 367.)

A dairy bureau is established, to consist of three members of the board of agriculture. St. 1891, 412; 1892, 139. (See 1891, 58; 1894, 280; 1895, 214; 1896, 377; 1897, 349.)

Provision is made for registration of pedigrees of horses. St. 1890, 334. And for punishing false registration or giving false pedigrees of horses, cattle, etc. St. 1887, 143; 1890, 334.

The agricultural college may receive moneys granted by the United States. St. 1889, 111. (See 1887, 212.)

Provision is made for a bounty for sugar from beets or sorghum cane. St. 1883, 189. And for bounties to chartered poultry associations. St. 1895, 351.

SECT. 1. Membership of board changed. St. 1894, 144. (See 1890, 274, 297.)

SECT. 2 amended. St. 1896, 254. Certain duties imposed. St. 1891, 210, 280; 1898, 393 § 8.

SECTS. 4-6. Assistant secretary provided for. St. 1891, 412 § 6. Salaries fixed: Secretary; St. 1883, 184. Assistant; St. 1891, 412 § 6. Clerks; St. 1891, 300; 1893, 130; 1898, 459. (See 1887, 245; 1892, 143.)

Allowance for clerical services and for lectures increased. St. 1884, 66.

Allowance for certain incidental expenses. St. 1889, 45.

The board is authorized to collect and circulate information about abandoned farms. St. 1891, 280. (See Res. 1893, 46.)

Provision is made for extermination of insect pests. St. 1891, 210; 1893, 78; 1898, 544. (See 1897, 516.)

Chapter 21.—General Provisions relating to State Officers.

State boards and commissions shall report their organization to the secretary of the Commonwealth. St. 1898, 265. And amounts due. St. 1898, 366. (See 1896, 258; 1898, 433 § 7. Res. 1898, 3, 9.)

A civil service commission is established and appointments to service regulated. St. 1884, 320; 1887, 364; 1888, 253, 334; 1889, 177, 183, 351, 352; 1891, 140; 1893, 95, 253; 1894, 267; 1895, 376; 1896, 449, 494, 502, 517; 1897, 328. (See 1887, 437; 1888, 41; 1889, 473; 1894, 519; 1895, 376, 501; 1896, 86, 256, 424; 1898, 366, 367, 447, 454. Res. 1892, 34.)

Certain officers shall not accept railroad tickets at less than usual rates. St. 1892, 59.

Provision for temporary absence in case of enlistment in the U. S. service. St. 1898, 447, 454. (See 1898, 428.)

Legislation recommended by State boards and commissions shall be reported to the secretary of the Commonwealth before the first Wednesday in January. St. 1893, 144.

Legal services required by officers or boards shall be performed by or under direction of the attorney-general. St. 1896, 490.

Standard record inks required. St. 1894, 378; 1898, 510.

SECT. 1. Tenure of office of officers appointed by governor and council regulated. St. 1887, 364.

SECT. 7. Official bonds must be examined yearly, and, if insufficient, renewed. St. 1885, 32; 1893, 257.

SECT. 10. Treasurer's office hours regulated. St. 1886, 257; 1896, 522. Advancements on account of salaries authorized. St. 1895, 34. (See Res. 1898, 3.)

Chapter 22.—Of Counties and County Commissioners.

Powers and duties of county commissioners are further defined. St. 1896, 384; 1897, 137; 1898, 367, 548. (See 1890, 308; 1894, 497 § 1; 1898, 264, 476, 496 § 29.) Provision for removal of county commissioners in certain cases. St. 1897, 224. For summary investigation of county expenditures. St. 1898, 432.

A penalty is provided for violation of duty by county officers. St. 1897, 130.

SECT. 1. Muskeget and Gravelly islands annexed to Nantucket. St. 1887, 88.

SECT. 5. Counties to provide places for holding district and police courts. St. 1893, 396 § 1; 1897, 245.

SECT. 13. When their clerk is absent, the commissioners shall appoint one of their number clerk *pro tempore*. St. 1890, 198. Proceedings regulated. *Pro tempore* clerk may be a woman and shall be sworn. St. 1896, 384.

SECT. 14. Compensation fixed: Barnstable; St. 1893, 276. Berkshire; St. 1890, 133. Bristol; 1893, 291. (See 1886, 251; 1889, 339.) Essex; 1892, 354. (See 1885, 277.) Franklin; 1888, 65. Hampden; 1889, 30. Hampshire; 1887, 211. Middlesex; 1889, 303. (See 1885, 277.) Nor-

folk; 1892, 399. (See 1885, 277; 1891, 80.) Plymouth; 1892, 298. (See 1886, 251.) Worcester; 1893, 288. (See 1886, 251; 1891, 79; 1892, 59; 1893, 275 § 1.) Transportation expenses are allowed. St. 1893, 273. (See 1892, 59.)

Special commissioners. St. 1894, 250; 1895, 112; 1898, 316.

SECT. 15. Meetings changed in Berkshire. St. 1883, 63.

SECT. 17. Certain formal proceedings are authorized, notwithstanding disqualification. St. 1893, 238.

SECT. 18 repealed. St. 1893, 275 § 2.

SECT. 19. Oaths of treasurers and registers of deeds are to be recorded. St. 1890, 308.

SECT. 20. First paragraph amended. St. 1897, 137 § 1. Commissioners may examine reservoirs and dams, and proceed under P. S., ch. 190 §§ 53-58. St. 1891, 315; 1893, 99.

Provision for additional accommodation for courts in Middlesex. St. 1893, 160; 1895, 492. And in Worcester. St. 1896, 350.

Provision made for certain expenses of inferior courts and justices. St. 1890, 440 § 11; 1891, 70, 325; 1893, 396 § 1. And for rearranging, indexing and recording certain records and dockets when worn, mutilated or indistinct. St. 1891, 225; 1892, 253.

Provision in regard to payment of county taxes. St. 1889, 253.

Orders drawn on county treasurers must be recorded, certified and accompanied by original vouchers. St. 1890, 206, 380; 1897, 128, 129.

Proposals for county loans must be advertised for. St. 1895, 111. (See 1895, 143, 482; 1896, 128; 1897, 153.)

SECT. 22 is revised. St. 1897, 137 § 2. (See 1897, 128, 129, 130, 153.)

SECT. 26 is limited to regular commissioners and made applicable to issuing orders of notice. St. 1885, 91.

SECT. 28. See St. 1890, 423 § 112; 1891, 329 § 3; 1893, 417 § 124.

SECT. 30 is amended. St. 1898, 217 § 3.

Chapter 23.—Of County Treasurers and County Finances.

SECT. 1 is revised. St. 1897, 128 § 1. (See 1890, 308; 1897, 153; 1898, 264, 317.)

SECT. 2. Salaries fixed: Berkshire; St. 1889, 58. Bristol; 1898, 322 (See 1889, 16; 1896, 176.) Essex; 1886, 133; 1896, 176. Hampden; 1898, 323. (See 1884, 112.) Hampshire; 1887, 159. Middlesex; 1896, 176; 1898, 294. (See 1887, 57.) Norfolk; 1898, 330. (See 1890, 143; 1892, 295.) Plymouth; 1889, 260. Worcester; 1886, 132; 1896, 176.

Allowance for clerical assistance: Bristol; St. 1892, 144. Essex; 1889, 310; 1896, 147. Middlesex; 1889, 85. Norfolk; 1895, 133. Plymouth; 1897, 257. Worcester; 1893, 156; 1895, 113. And travelling expenses in certain counties. St. 1896, 176.

SECT. 6 *et seq.* County expenditures regulated. St. 1890, 206, 209, 296; 1897, 128, 129, 137, 153; 1898, 432, 477, 555. (See 1885, 345 § 6; 1887, 438; 1890, 216, 380; 1893, 270, 271; 1894, 497 § 5; 1895, 482; 1896, 172, 316, 357; 1898, 206, 316, 317, 365.)

Proposals for county loans must be advertised for. St. 1895, 111. (See 1895, 143; 1896, 128; 1897, 153.)

Provisions for approval of plans for building or enlarging county prisons. St. 1897, 316.

No payments of fees to clerks of courts. St. 1890, 209.

SECT. 10 amended. Personal liability of treasurer in certain cases. St. 1897, 128 § 2.

SECTS. 11, 20, 30. Yearly reports of prison receipts and expenses provided for. St. 1891, 187; 1892, 430. (See 1898, 277, 334, 365.)

SECT. 20 is amended. St. 1897, 130 § 4.

SECT. 22 is revised. St. 1897, 153. (See 1895, 143, 482, 493 § 2; 1896, 128, 172, 443.)

SECTS. 22-28. Treasurer's accounts and returns regulated. St. 1891, 187; 1892, 430; 1897, 129, 153; 1898, 277. (See 1887, 438; 1888, 275; 1890, 141, 380; 1895, 482; 1897, 128, 130; 1898, 206, 365.)

SECT. 23 is repealed. St. 1897, 130 § 5.

SECT. 24 affected. St. 1889, 253; 1897, 153 § 8.

SECT. 26 is revised. St. 1897, 128 § 3.

SECT. 28 repealed. St. 1897, 153. (See 1890, 141, 380.)

SECT. 30. See St. 1891, 187; 1892, 430; 1898, 277.

SECT. 32 repealed. St. 1890, 380 § 2.

SECTS. 36-39 repealed. Provision for controller of county accounts. St. 1887, 438; 1888, 275; 1890, 380; 1893, 257, 270; 1894, 183; 1895, 143, 493 § 4; 1896, 128; 1897, 129, 153. (See 1886, 169; 1890, 204; 1894, 248; 1895, 242; 1897, 128; 1898, 334 § 5, 365, 432.) And deputies. St. 1890, 306; 1895, 175; 1898, 477. For examination of official bonds. St. 1893, 257; 1894, 183. And of county expenditures. St. 1898, 432.

Chapter 24. — Of Registers of Deeds.

An act to provide for registering and confirming titles to lands. St. 1898, 562.

Salaries are established for registers and assistant registers. The fees are to be paid to the county. St. 1895, 493. (See 1887, 438.) Provision for assistant registers and clerical assistance. St. 1896, 172.

Change in salary, assistant register, Middlesex. St. 1898, 333.

Standard record inks are required. St. 1894, 378; 1898, 510.

SECT. 2. Copies of certain records in registry of northern district to be deposited in registry of southern district. St. 1890, 158; 1891, 174. New registry established in Bristol. St. 1891, 234.

SECT. 5. And in Worcester. St. 1884, 40.

SECT. 6. Record shall be made of oath of registers. St. 1890, 308.

SECT. 9. Women may be assistant registers. St. 1885, 7.

SECT. 12. Requirement of residence in place of registry repealed. St. 1892, 121.

SECTS. 13-26. Provision for recording office copies of instruments affecting titles to lands lying in more than one county or registry district. St. 1889, 448. And for re-recording worn or indistinct records. St. 1892, 253. (See 1898, 514 § 2, 562 §§ 10, 20.)

SECT. 22. Indexes, except in Suffolk, must show towns in which the lands lie. St. 1885, 29.

SECTS. 25, 26 amended. Registers substituted for commissioners. St. 1896, 443.

SECT. 29 repealed. St. 1895, 493 § 6.

SECTS. 30, 31, 32 repealed. St. 1896, 443. (See 1893, 148.)

Chapter 25.—Of Sheriffs.

SECT. 16. Sheriff may further arrest a person under arrest by a constable. St. 1896, 247.

SECT. 18. See St. 1893, 423 § 32.

SECT. 20 is extended to writs and processes in favor of a sheriff. St. 1885, 75.

SECT. 22. Salaries fixed: Barnstable; St. 1894, 153. Berkshire; St. 1887, 58. Bristol; 1897, 454. Essex; 1894, 415. (See 1887, 164.) Hampden; 1889, 38. Hampshire; 1891, 154. Middlesex; 1898, 324. (See 1888, 95.) Suffolk; 1888, 228. Worcester; 1888, 244.

In Dukes and Nantucket fees are allowed. St. 1884, 209; 1886, 28.

SECTS. 24, 25. Sheriffs must deposit public moneys beyond what are required for immediate use. St. 1890, 215; 1893, 148, 270 § 2; 1896, 443 § 6. (See 1890, 296.)

Chapter 26.—Of Medical Examiners.

SECT. 2. New district made in Franklin county; St. 1884, 321; and in Plymouth; 1886, 74. Associate examiners provided for. St. 1898, 318.

SECT. 6 repealed. St. 1893, 257.

SECT. 9 *et seq.* Fees and duties of examiners regulated. St. 1885, 265 § 4, 379; 1897, 310; 1888, 306 § 2; 1890, 213; 1892, 286; 1896, 338; 1898, 318, 326 § 5.

When death is supposed to be due to violence, no embalming fluid shall be used without a permit signed by an examiner. St. 1892, 152.

SECTS. 12-15. Provision for verbatim reports of evidence at inquests in cases of death by accident on a railroad or street railway. St. 1896, 302. (See 1888, 365; 1889, 154; 1896, 338.)

SECT. 13, 14, 25. Fees of witnesses, etc., at inquests regulated. St. 1883, 61; 1885, 379 § 2; 1890, 440 §§ 6, 8, 9; 1898, 204. (See 1888, 180.)

SECTS. 20, 24. Provision made for disposition of bodies and for account of expenses. St. 1887, 310; 1890, 185; 1898, 479.

SECT. 25. Special justices of municipal, police and district courts, with certain exceptions, are to have same fees as trial justices. St. 1885, 40. The record must state the fact which gives them jurisdiction. St. 1892, 268; 1893, 396 § 55.

Chapter 27.—Of Towns and Town Officers.

Town may be sued for labor for a contractor on public works. St. 1892, 270. (See 1896, 444.)

Deposits of town moneys regulated. St. 1893, 266.

And payment of moneys received from liquor licenses. St. 1897, 233; 1898, 361.

SECTS. 2-6. Provision for definition and preservation of town boundary lines. St. 1888, 336.

SECTS. 9, 10. Towns may lease public buildings, except school-houses, to grand army and veteran firemen's associations. St. 1885, 60; 1891, 218. Must provide a town seal. St. 1898, 389.

May take lands for public parks. St. 1882, 154; 1890, 240; 1893, 300. (See 1893, 75, 416; 1896, 199, 313; 1897, 379.) And for preservation of forest trees or preservation of water supply. St. 1882, 255; 1896, 190. And for purification and disposal of sewage. St. 1890, 124. And for public libraries. St. 1894, 145. (See 1890, 347; 1892, 255; 1897, 134.)

May provide by by-law for making all drains and sewers main drains and common sewers. St. 1895, 227. (See 1896, 251 § 2; 1897, 274.) For licensing plumbers. St. 1888, 105; 1893, 477; 1894, 454; 1895, 453. For regulating use of sewers. St. 1897, 116.

May vote to charge interest on sewer and sidewalk assessments. St. 1896, 251.

May lay out, alter and widen highways and county bridges. St. 1891, 170. (See 1894, 497 § 1; 1898, 476.)

May authorize structures to avoid grade crossing of railroad and street railway. St. 1898, 404.

May lay out and maintain bicycle paths. St. 1898, 351. (See 1894, 479; 1898, 121.)

May adopt act providing for extermination of insect pests. St. 1893, 78.

May establish and maintain public play-grounds. St. 1893, 225. Certain towns may lease open spaces for play-grounds. St. 1893, 331. (See 1893, 300, 416.)

May regulate width of tires on vehicles owned in the town. St. 1895, 296.

May give the improvement of public grounds to corporations organized for the purpose. St. 1885, 157. (See 1893, 300 § 6, 331, 416; 1897, 254.)

May manufacture and distribute gas and electricity on certain conditions. St. 1891, 370; 1892, 259; 1893, 454; 1894, 182, 448, 533, 538; 1895, 350, 420; 1896, 356, 426, 480.

SECT. 10. Towns may contract for disposal of garbage, refuse and offal. St. 1889, 377.

May contract with hospitals for temporary care of the sick. St. 1890, 119. (See 1891, 90.)

May employ counsel at hearings before legislative committees. St. 1889, 380.

May appropriate money to pay surety companies as sureties on bonds of town officials. St. 1897, 132.

May pay interest on public gifts in certain cases. St. 1895, 217.

May raise money to erect, dedicate and repair monuments to soldiers and sailors in national wars. St. 1884, 42; 1886, 76; 1896, 291. (See 1898, 525.) To firemen fatally injured in performance of their duties. St. 1896, 455. And to mark spots of historic interest. St. 1896, 477.

May furnish State and military aid to soldiers and sailors. St. 1894, 279, 301; 1895, 361; 1898, 525, 561, 570. (See 1889, 279, 301.) Shall support certain soldiers and sailors and their families. St. 1890, 447; 1893, 279; 1898, 356. (See 1888, 438; 1889, 298; 1893, 237.)

SECT. 10, 2d clause. May unite with other towns to employ a superintendent of schools. St. 1898, 466. (See 1888, 431; 1893, 200.) 3d clause. See St. 1891, 90; 1898, 425 § 5. 8th clause. See St. 1890, 447; 1893, 237, 279; 1894, 301. Last clause. See St. 1888, 304; 1889, 312; 1890, 347; 1892, 255.

Provision for furnishing towns with steam rollers for construction of macadamized roads, upon certain conditions. St. 1896, 513. (See 1894, 497; 1895, 347, 486; 1896, 345; 1898, 365, 404.)

Certain towns may water streets and assess cost thereof on the abutters. St. 1895, 186.

SECT. 11. Towns may appropriate money for certain anniversary celebrations. St. 1889, 21; 1892, 166. And July fourth. St. 1896, 152.

SECT. 12. May raise fifty cents per poll for planting, etc., of shade trees. St. 1885, 123 § 1. (See 1890, 196; 1891, 49; 1892, 147; 1893, 78, 403, 423 § 26; 1896, 190; 1897, 254, 428.) May appoint a forester and provide for protection of trees and woodlands. St. 1897, 254, 428.

SECTS. 13, 14. An act relating to use of public baths and wash houses and authorizing towns to furnish instruction in swimming. St. 1898, 125.

SECT. 15. Selectmen may regulate use of carriages, etc., in streets, under P. S., ch. 28 § 25. St. 1885, 197. (See 1894, 479; 1895, 296.) And itinerant musicians and coasting. St. 1892, 390. Towns may make by-laws providing for removal of snow from sidewalks. St. 1898, 190.

SECT. 16. See St. 1898, 168.

SECT. 27. Towns having a water supply may contribute with other towns to construct a sewerage system to protect the purity of such supply. St. 1888, 160.

SECTS. 28, 29. See St. 1884, 129; 1896, 269.

SECT. 34. No fee for detention and support shall be allowed unless it appears by officer's return that defendant was actually detained in the lock-up. St. 1890, 166.

SECT. 41 extended to public library buildings. St. 1894, 145.

SECTS. 44-49 are extended to all persons and corporations, and to electric light and telephone wires. St. 1883, 221; 1887, 385 § 8; 1889, 398, 434; 1895, 350, 420. (See 1884, 302, 306; 1887, 382; 1896, 338.)

SECTS. 48, 129. Superior court given concurrent jurisdiction. St. 1891, 293.

SECTS. 52-69. The laws relating to town meetings and election of town officers are revised. St. 1898, 548, Title XI. (See 1883, 229; 1884, 208 § 4, 299; 1885, 5, 261; 1886, 262, 264, 295; 1887, 249, 371; 1888, 221, 353; 1889, 98, 191; 1890, 351, 419, 423; 1891, 10, 31, 32, 74, 155, 242, 270, 305, 336; 1892, 51, 124, 190, 224, 280, 351; 1893, 60, 87, 177, 304, 417, 423; 1894, 16, 132; 1895, 89, 142, 285, 299, 507; 1896, 73, 251 § 2, 498; 1897, 91, 530; 1898, 83, 378, 379.)

SECT. 55. See St. 1888, 436 § 10; 1890, 386 § 3; 1892, 124; 1893, 417 §§ 260, 345; 1898, 548.

SECTS. 64, 66-68, 70, 73, 74, 77-81, 83, 84, 86, 87, 89-91, 93, 94, 97, 98 are repealed. St. 1893, 417 § 345. (See 1894, 16, 132; 1898, 548.)

SECTS. 71, 72, 75, 76, 82, 85, 88, 92, 95, 96, 99-128 are repealed, and laws as to powers and duties of town officers revised. St. 1893, 423;

1894, 17. (See 1886, 295; 1888, 221; 1889, 98, 178; 1893, 60; 1896, 190; 1897, 254, 428; 1898, 208, 453.)

A woman may be chosen overseer of the poor. St. 1886, 150. Or assistant town or city clerk. St. 1895, 142. (See 1891, 343; 1893, 60, 423 § 4.)

Provision for park commissioners. St. 1882, 154 § 1. For town auditors. St. 1893, 417 § 266, 423 § 20. (See 1886, 295; 1888, 221; 1889, 191; 1890, 254.) Sewer commissioners. St. 1893, 304, 417 § 266. (See 1893, 423 § 24.) Superintendents of streets. St. 1893, 423 § 25. (See 1889, 98, 178.) Highway surveyors. St. 1895, 374. (See 1893, 417 § 266, 423 § 21; 1894, 17.) Boards of health. St. 1894, 218, 473; 1895, 398, 506. (See 1885, 307; 1897, 428 § 2.) Commissioners of public burial grounds. St. 1890, 264. Assistant town clerks. St. 1893, 423 § 4. (See 1893, 60; 1895, 142.) Tree wardens. St. 1896, 190. (See 1897, 254, 428 § 1.) Employees may be allowed a half holiday once a week. St. 1898, 367.

Town officers shall demand and receive from their predecessors, under oath, their official records, papers, etc. St. 1897, 439 § 9. (See 1891, 340.)

SECT. 85. Police officers may be assigned to agricultural and horticultural exhibitions. St. 1892, 180. Provision for street railway police. St. 1895, 318. (See 1892, 413; 1896, 225, 338.)

Special officers for emergencies must be residents of the Commonwealth. St. 1892, 413.

SECT. 95 *et seq.* Town clerks shall give bonds to account for moneys received for dog licenses. St. 1888, 320. (See 1888, 308.) They must keep and use a town seal. St. 1898, 389.

Shall make returns of votes on acceptance of acts by the town. St. 1883, 100. (See 1890, 175, 423 § 155; 1893, 417 § 203; 1894, 132; 1898, 453, 525 § 3, 548.)

Shall notify commissioners of prisons of appointment of certain police officers and constables. St. 1892, 290.

SECTS. 102-104. Form of oath modified. Provision to punish fraud in valuations. St. 1885, 355; 1893, 423 § 10.

SECTS. 105, 129 *et seq.* Provision for summary investigation of town expenditures. St. 1898, 432.

SECTS. 108, 109. See St. 1892, 370; 1893, 423 § 17.

SECT. 112 *et seq.* Town clerks shall return names of constables to clerks of county courts within seven days after they qualify. St. 1889, 384.

SECT. 129 is revised. St. 1898, 490. (See 1891, 293.)

SECT. 130 applies to St. 1893, 423 § 41.

Chapter 28. — Of Cities.

General provision is made for the establishment of city governments. St. 1892, 377. (See 1894, 446; 1898, 554, 558.) And for boards of license commissioners. St. 1894, 428; 1895, 379; 1896, 396.

Words "mayor and aldermen" defined. St. 1882, 164.

Provision made for acting mayor in case of death, absence, etc., of

mayor. St. 1896, 380. (See 1882, 182.) For appointment of constables. St. 1898, 208.

Deposits of city moneys regulated. St. 1893, 266. And payment to state treasurer of part of moneys received from liquor licenses. St. 1897, 233; 1898, 361.

City may be sued for labor for a contractor on public works. St. 1892, 270. (See 1896, 444.)

City officers shall demand and receive from their predecessors, under oath, their official records, papers, etc. St. 1897, 439 § 9. (See 1891, 340.)

Provision for summary investigation of municipal expenditures. St. 1898, 432.

City clerks shall notify secretary of the Commonwealth of vote on acts to take effect on acceptance. St. 1883, 100. (See 1898, 525 § 3.)

Duties under election laws. St. 1898, 548. (See 1884, 299 § 4; 1886, 78; 1888, 437; 1890, 175, 423 §§ 71, 155; 1893, 417 §§ 105, 179, 465; 1895, 507 § 22; 1896, 244, 498, 518; 1897, 530 § 23; 1898, 378, 379, 453.)

They must return to clerks of courts names of constables elected or appointed. St. 1889, 384.

And must notify prison commissioners of appointment of certain police officers and constables. St. 1892, 290.

Cities may lay out lands for public parks. St. 1882, 154; 1890, 240; 1893, 300. (See 1893, 75, 416; 1894, 497 § 1; 1896, 199; 1898, 476.) And for preservation of forests or of water supply. St. 1882, 255. May designate and preserve shade trees. St. 1890, 196. Provide for extermination of insect pests. St. 1893, 78. Establish and maintain public play-grounds. St. 1893, 225. Lease open spaces for play-grounds. St. 1893, 331. (See 1885, 157; 1893, 300 § 6.) Lay out and maintain bicycle paths. St. 1898, 351. (See 1894, 479; 1898, 121.)

May authorize structures to avoid grade crossing of railroad and street railway. St. 1898, 404.

May lease public buildings, except school-houses, to grand army or veteran firemen's associations. St. 1885, 60; 1891, 218.

May appropriate money for enforcement of civil service laws. St. 1887, 345. For certain anniversary celebrations. St. 1892, 166. For repairing or decorating graves or memorials of firemen killed in performance of duty. St. 1896, 455. And to pay charge of insurance companies acting as surety on bonds of city officers. St. 1898, 45.

May indemnify police officers for injuries or expenses incurred while acting as such. St. 1888, 379. And persons required to assist them. St. 1893, 186. May pension firemen. St. 1898, 267.

Provision for a half holiday a week to employees. St. 1898, 367.

May pay interest on public gifts in certain cases. St. 1895, 217.

May, by ordinance, require all fees, charges and commissions allowed to officials to be paid into the treasury. St. 1888, 308. Regulate sale of prepared wood, slabs and edging. St. 1891, 136. And width of tires on vehicles owned in the city. St. 1895, 296. Provide for inspection of ice sold within the city. St. 1895, 338. (See 1886, 287.) For making all

drains and sewers main drains and common sewers. St. 1895, 227. (See 1896, 251; 1897, 274.) For regulating use of sewers. St. 1897, 116. And for licensing plumbers. St. 1888, 105; 1893, 477; 1894, 454; 1895, 453.

May contract for disposal of garbage, refuse, etc. St. 1889, 377.

May furnish military or State aid to soldiers and sailors. St. 1894, 279, 301; 1895, 361. (See 1889, 279, 301; 1898, 525, 529, 561, 570.) May contract with hospitals for temporary care of the sick. St. 1890, 119. (See 1891, 90.) Shall support certain soldiers and sailors and their families. St. 1890, 447; 1893, 279; 1898, 356. (See 1888, 438; 1889, 298; 1893, 237.) Shall provide for treatment of indigent persons suffering from contagious or infectious venereal diseases. St. 1895, 400. (See 1894, 511.)

May expend money for watering streets and assess the whole or part of the expense on abutters. St. 1897, 419. (See 1890, 365; 1891, 179.)

May take land for purification and disposal of sewage. St. 1890, 124.

May manufacture and distribute gas and electricity on certain conditions. St. 1891, 370; 1892, 259; 1893, 454; 1894, 182, 432, 448, 533, 538; 1895, 350, 420; 1896, 356, 426, 480.

Cities having a water supply may contribute with other cities and towns to construct a sewerage system to protect purity of supply. St. 1888, 160.

Tenure of police officers established in certain cities. St. 1890, 319.

Members of the police may be pensioned in cities containing not less than seventy-five thousand inhabitants. St. 1892, 378. (See 1892, 353; 1893, 51; 1898, 172.)

Provision for street railway police. St. 1895, 318. And a reserve police in certain cities. St. 1896, 314.

Police matrons and houses for detention of women are required in certain cities. St. 1887, 234; 1888, 181.

Board of police for city of Boston to be appointed by the governor. St. 1885, 323; 1889, 419; 1894, 266. (See 1890, 122, 440; 1896, 338; 1898, 172, 282, 366, 410, 412.)

SECT. 3. See St. 1898, 168.

SECT. 6. Any item in an ordinance or vote involving an appropriation of money, or raising a tax, may be separately vetoed. St. 1885, 312 § 3.

SECT. 7. Mayor may not vote in board of aldermen or joint convention. St. 1882, 180.

SECT. 11. Police officers may be assigned to agricultural or horticultural exhibitions. St. 1892, 180.

SECTS. 14-16. New division of wards and voting precincts in cities provided for. St. 1898, 548 §§ 158-162. (See 1884, 125, 181 § 9, 299 § 3; 1885, 156; 1886, 78, 283; 1888, 437; 1893, 417 §§ 96-98, 1894, 224 § 9; 1896, 244, 498, 518; 1898, 378.)

SECT. 19. See St. 1885, 159 § 3.

SECT. 23. No member of a city council is eligible by the city council or either branch thereof to any office the salary of which is paid from the city treasury. St. 1886, 117.

SECT. 24. An act to restrict the height of buildings in cities. St. 1891,

355. (See St. 1892, 419 § 86; 1896, 313; 1897, 379, 413 § 6; 1898, 452.)

SECT. 25. Selectmen in towns may make these rules, etc. St. 1885, 197. (See 1894, 479; 1895, 296.) And to regulate and control street musicians and coasting. St. 1892, 390.

Chapter 29. — Of Municipal Indebtedness.

“Net indebtedness” is defined. St. 1883, 127.

SECT. 4. The limit of debts is reduced. St. 1885, 312. (See 1885, 178; 1892, 178; 1893, 23, 225 § 3, 247; 1898, 432, 434.)

Exception made in certain cases. St. 1886, 178, 254, 304; 1887, 312; 1888, 73, 144, 185, 229, 392; 1889, 68, 157, 172, 176, 283 § 4; 1890, 65, 120, 121, 135, 142, 203, 258; 271, 355, 357 § 10, 424, 444; 1891, 27, 150, 212, 230, 301, 316, 323, 324; 1892, 42, 45, 150, 153, 155, 247, 367; 1893, 37, 52, 101, 110, 128, 141, 167, 233, 245, 250, 269, 341, 449, 489 § 20; 1894, 85, 89, 92, 99, 177, 201, 208, 210, 212, 234, 244, 286, 293, 310, 323, 339, 340, 344, 346, 396, 403, 405; 1895, 36, 47, 74, 85, 98, 99, 130, 150, 151 § 5, 221, 241, 274, 325, 331, 333, 346, 357, 386, 395, 417, 433, 455; 1896, 103, 134, 142, 168, 181, 197, 200, 201, 207, 227, 233, 245, 271, 325, 392, 395, 419, 478, 479; 1897, 77 § 3, 82, 87, 93, 100, 101, 102, 108, 123, 127, 142, 159, 168, 191, 194, 211, 212, 218, 255, 258, 290, 293, 341, 393, 417, 469, 484, 504; 1898, 123, 127, 140, 176, 179, 198, 221, 263, 276, 289, 313, 314, 364, 383, 398, 403, 408, 419, 524.

Damages for alteration of grade crossings are excepted. St. 1892, 178.

SECT. 6. Temporary loans in anticipation of taxes are limited. St. 1885, 312 § 4; 1888, 372.

They must be payable within one year. St. 1891, 221. They shall not be considered in determining the limit of indebtedness. St. 1893, 23. Other temporary loans authorized. St. 1898, 526.

SECTS. 7, 8. Issuing bonds, notes or scrip for city or town debts is authorized. St. 1884, 129; 1892, 245 § 7; 1896, 269. (See 1889, 166; 1891, 321; 1896, 163; 1898, 471, 526.)

SECT. 8 amended. Word “thirty” substituted for “twenty” in fourth line. St. 1892, 245 § 6. (See 1893, 225 § 3.)

Time for payment of “other debts” extended in certain cases. St. 1889, 166; 1891, 321; 1894, 221.

Provision for summary investigation of municipal expenditures. St. 1898, 432.

SECT. 9. Fixed annual appropriations may be made as a substitute for a sinking fund. St. 1882, 133.

SECT. 11 is extended. St. 1894, 146. Provision for reissue of bonds not due held in sinking funds for payment of bonds becoming due. St. 1895, 243.

Sinking funds for sewer debts regulated. St. 1892, 245 § 9.

SECT. 15. Management of surplus accumulations of State sinking funds regulated. St. 1891, 259.

Chapter 30. — Of Aid to Soldiers and Sailors and to their Families.

This chapter is repealed, and the law as to State and military aid revised and extended. St. 1890, 447; 1894, 279, 301; 1895, 361; 1898, 356, 529, 561, 570. (See 1884, 34; 1885, 173, 204, 214; 1886, 39, 110; 1887, 122; 1888, 438; 1889, 279, 298, 301; 1892, 291; 1893, 237; 1897, 441. Res. 1892, 84.)

Certain army nurses may receive state aid. St. 1895, 361.

Certain exemptions from taxation are established. St. 1897, 148. (See 1894, 315; 1895, 202.)

Cities and towns must furnish relief to certain soldiers and sailors and their families. St. 1890, 447; 1893, 279; 1898, 356. (See 1888, 438; 1889, 298; 1893, 237; 1898, 529, 561, 570.)

Provision is made for burial of deceased indigent soldiers, sailors and marines, and their widows. St. 1896, 279; 1897, 164. (See 1889, 395; 1892, 184; 1894, 62.)

Grand army posts may distribute aid to soldiers. St. 1885, 189.

Settlement of pension, bounty and back pay claims provided for. St. 1888, 396; 1891, 196; 1898, 525. (See 1897, 179, 399.)

Appointment of State trustees for the soldiers' home provided for. St. 1889, 282. (See 1890, 373.)

SECT. 1. Salary of third commissioner fixed. St. 1894, 279 § 9. (See 1885, 214; 1889, 279 § 9; 1892, 291.)

SECTS. 10-12, 16, 17 repealed. St. 1889, 279 § 11. (See 1894, 279 § 11.)

Chapter 31. — Of the Census, the Bureau of Statistics of Labor, and the Board of Supervisors of Statistics.

Decennial census provided for. St. 1894, 224; 1897, 71. (See 1884, 181; 1896, 8; 1898, 68. Res. 1895, 52.)

Special enumeration provided for in certain cases. St. 1892, 280; 1894, 334; 1896, 440.

Certain useless papers may be burned. St. 1887, 43. (See Res. 1891, 25; 1895, 11.)

SECTS. 1-12 are revised. St. 1894, 224. (See 1884, 181.)

SECTS. 13-16. Additional statistics are required. St. 1886, 174; 1894, 238 § 5, 332, 334. (See 1884, 181; 1885, 156; 1888, 437 § 6; 1892, 280; 1896, 440; 1898, 402.)

The report of the board may be in parts. St. 1890, 97. (See 1894, 393 § 7; 1898, 366.)

Publication of a bulletin authorized. St. 1895, 290.

A second clerk is provided for. St. 1884, 4. And a registrar of labor. St. 1895, 376. (See 1884, 320.) And special agents. St. 1897, 430.

Clerks' salaries fixed. St. 1888, 115. (See 1884, 4.)

SECT. 17 is amended. St. 1886, 101 § 4; 1898, 433 § 24.

Chapter 32. — Of the Registry and Return of Births, Marriages and Deaths.

This chapter is revised. St. 1897, 437, 444. (See 1883, 158; 1887, 202; 1888, 63, 306; 1889, 208, 224, 288; 1890, 210, 402; 1892, 305, 314; 1893, 263; 1894, 206, 401, 402, 409; 1897, 424, 439; 1898, 389, 458 § 24.)

Standard record inks are required. St. 1894, 378; 1898, 510.

SECTS. 5, 6. See St. 1888, 306 § 2; 1897, 437.

Chapter 33. — Of Workhouses and Almshouses.

SECT. 1. See 1886, 319 § 3; 1890, 414 § 2; 1898, 433 § 28.

Chapter 35. — Of Fires, Fire Departments and Fire Districts.

Provision for allowance to families of firemen fatally injured at fires. St. 1893, 401. Cities may pension firemen. St. 1898, 267.

Office and duties of State fire marshal established. St. 1894, 444; 1895, 452; 1896, 303; 1898, 160. (See 1886, 354; 1887, 231; 1888, 199; 1889, 451; 1897, 118; 1898, 366.)

Fire engines and apparatus have right of way in streets. St. 1898, 162.

Pensions provided for in Boston. St. 1892, 347. (See 1880, 107; 1888, 174; 1896, 256; 1898, 246, 267.) Persons five feet five inches in height may be appointed to Boston fire department. St. 1896, 424.

Assistance for the Massachusetts State firemen's association provided for. St. 1890, 450; 1891, 274; 1892, 177; 1894, 375. (See 1893, 401.)

SECT. 1. Forest fire-wards are provided for. St. 1886, 296 §§ 2, 3; 1897, 254.

SECTS. 10, 11 were repealed by St. 1888, 199, which was repealed by St. 1889, 451 § 8. (See 1886, 296 § 4; 1887, 214 § 16; 1891, 229.)

SECT. 28. Additional apparatus required. St. 1888, 310; 1898, 165.

Board of fire engineers, or chief of fire department, shall investigate origin, etc., of fires. St. 1889, 451; 1891, 229. (See 1888, 199.)

SECT. 29. Selectmen may remove engineers after notice and hearing. St. 1886, 113.

SECT. 35. Penalties prescribed for violations of rules. St. 1888, 220.

SECT. 40. Fire districts may incur debts for temporary loans in anticipation of taxes. St. 1896, 280.

SECT. 50. Polls to be kept open "not less than one hour." St. 1898, 155, 548.

SECT. 51. Hydrant and water service added. St. 1895, 295.

Chapter 36. — Of Fences and Fence Viewers, Pounds and Field Drivers.

SECTS. 1-19. Fences and like structures over six feet in height, maliciously erected, etc., are declared nuisances. St. 1887, 348.

Barbed wire fences are restricted. St. 1884, 272.

Chapter 37. — Of the Public Records.

This chapter is revised. St. 1897, 439. (See 1885, 190; 1886, 207; 1887, 202; 1888, 307; 1870, 227, 392; 1891, 225, 281, 340; 1892, 333; 1894, 356, 402 § 1; 1898, 67, 453.)

A commissioner of public records is established, his duties prescribed and salary fixed. St. 1892, 333; 1898, 67.

Provision for arranging and recording certain worn or indistinct records, etc. St. 1891, 225; 1892, 253.

Standard record inks are required. St. 1894, 378; 1898, 510.

SECT. 14, 15. In Boston, city registrar shall perform duties of city or town clerk under these sections. St. 1892, 314 § 3.

Chapter 38. — Of Parishes and Religious Societies.

Provision is made for the incorporation and government of, and conveyance of property to, churches. St. 1887, 404; 1888, 326; 1891, 265; 1895, 105. (See 1884, 78; 1894, 126; 1898, 453.)

And for sale or transfer of church or trust property by order of supreme judicial court. St. 1897, 462.

Incorporated religious societies may make by-laws. St. 1888, 326.

SECT. 8. Term of office of committee or assessors regulated. St. 1894, 126.

SECTS. 18, 19. Religious societies shall not assess taxes except upon their pews. St. 1887, 419. Members shall not be personally liable for parish debts. St. 1897, 241.

SECT. 21 is repealed. St. 1887, 419.

SECTS. 25, 29, 47 are amended. St. 1897, 496.

SECT. 43 is extended. St. 1886, 239.

Chapter 39. — Of Donations, and Conveyances for Pious and Charitable Uses.

SECT. 1. Churches may appoint trustees, who shall be a body corporate for the purposes of this section. St. 1884, 78. (See 1887, 404; 1891, 265.)

Real estate held by deacons may be conveyed to the church, if incorporated. St. 1887, 404 § 7.

Chapter 40. — Of Library Associations.

SECTS. 3, 13 are amended. St. 1897, 496. (See 1897, 505.)

SECT. 6. Allowance made to county law libraries. St. 1882, 246; 1885, 345 § 6.

SECT. 9 *et seq.* The election, powers and duties of trustees of free public libraries and reading rooms are regulated. St. 1888, 304; 1889, 112.

A board of library commissioners is provided for. St. 1890, 347; 1897, 134. They are authorized to aid free libraries in certain towns. St. 1892, 255. (See 1892, 422; 1898, 366.)

Chapter 41. — Of the Board of Education.

SECTS. 3, 7 are revised. St. 1898, 496.

SECT. 8. Salary of the secretary of the board fixed. St. 1894, 176. (See 1885, 227; 1892, 287; 1893, 86; 1898, 366.) Clerical and messenger service provided for. St. 1895, 132.

No agent of the board shall be pecuniarily interested in publication or sale of school-books or supplies. St. 1896, 429. (See Res. 1897, 69.)

SECTS. 8, 11. See St. 1893, 86 § 2.

SECT. 12. The board has the management of the State normal school boarding-houses. St. 1891, 384. (See 1886, 298 § 9; 1894, 457; 1895, 258; 1896, 133; 1898, 433 § 26.) And the supervision of the pupils in the Perkins institution and Massachusetts school for the blind. St. 1885, 118. It may establish an educational museum. St. 1894, 230. Shall provide for examination and certification of teachers. St. 1894, 329.

SECTS. 16, 17. The provisions for the instruction of deaf-mutes and deaf children are revised and extended. St. 1888, 239; 1889, 226. (See 1886, 241; 1887, 179.)

Chapter 42. — Of Teachers' Institutes and Associations.

SECT. 1. Twenty-five teachers in three contiguous towns may form an institute. St. 1896, 186.

Chapter 43. — Of the School Funds.

SECTS. 1, 2. Certain payments into the fund are provided for. St. 1890, 335. Res. 1894, 90.

SECT. 3 is repealed. St. 1884, 22. The distribution of the income is revised. St. 1891, 177; 1893, 272. (See 1884, 22; 1885, 227.)

Chapter 44. — Of the Public Schools.

No foreign flag or emblem may be displayed on a public school-house. St. 1895, 115. (See 1895, 181.)

Provision is made for a State nautical training school. St. 1891, 402; 1893, 124. (See Res. 1891, 4.) And for textile schools in certain cities. St. 1895, 475.

Free scholarships in the Massachusetts institute of technology are provided for. Res. 1887, 103; 1895, 70. St. 1896, 310. And in Worcester polytechnic institute. St. 1896, 407.

School committees of cities and towns maintaining free evening schools may provide free evening lectures. St. 1893, 208.

They shall furnish public schools with a national flag. St. 1895, 181. (See 1895, 115.)

Pretending in writing to hold a degree of a college or school, granting degrees without authority, and false assertions in writing of the approval by a college or professional school of a person, process or goods, are made criminal offences. St. 1893, 355.

SECTS. 1, 2, 7, 12, 13, 16 are revised. St. 1898, 496, 580. (See 1883, 174; 1884, 69; 1885, 332; 1886, 236; 1887, 433 § 4; 1891, 263, 426; 1892, 62; 1894, 231, 320, 436, 471; 1895, 94, 212; 1896, 382.) Vivisection is forbidden and dissection restricted in public schools. St. 1894, 151.

Small towns may be assisted from income of school fund to pay salaries of teachers of exceptional ability. St. 1896, 408; 1897, 498.

The last session prior to Memorial day shall be devoted to exercises of a patriotic nature. St. 1890, 111.

SECT. 21. See St. 1893, 417 § 266; 1894, 16.

SECT. 26. Number of committee may be changed at a special meeting in towns in which ballots for town officers are furnished by the town. St. 1896, 319; 1898, 548.

SECT. 28. Diploma of a State normal school may be accepted in lieu of a personal examination of a teacher. St. 1891, 159.

Additional normal schools and model and practice schools in connection therewith are provided for. St. 1894, 457; 1895, 258. (See 1896, 33.) Provision for examination and certification of teachers by the board of education. St. 1894, 329.

Teachers, after a year's service, may be appointed to serve during the pleasure of the committee. St. 1886, 313.

SECTS. 35-40 are repealed. Text-books, supplies, etc., are furnished free. St. 1884, 103; 1885, 161. (See 1884, 69; 1885, 67.)

SECTS. 41-46. The district system is abolished. St. 1882, 219. (See 1884, 122.)

SECT. 43. See St. 1898, 466 § 5.

SECTS. 44, 45. Provision to aid small towns to unite to employ a superintendent. St. 1888, 431; 1893, 200; 1894, 58; 1898, 466. (See 1890, 379; 1891, 272; 1892, 301, 344, 360; 1896, 408; 1897, 498.)

SECT. 46. Provision for schools in Boston. St. 1895, 408; 1897, 202, 442; 1898, 400. (See 1892, 419 § 24; 1898, 228, 284, 340.)

Chapter 45.—Of School Districts.

The school district system is abolished. St. 1882, 219. But the right to sue or defend for districts is reserved. St. 1884, 122.

Chapter 46.—Of School Registers and Returns.

SECTS. 1-7, 10-13, 15 are repealed and revised. St. 1898, 496 §§ 13-20, 36. (See 1888, 348 § 7; 1891, 99; 1896, 179.)

Chapter 47.—Of the Attendance of Children in Schools.

This chapter is repealed, and the laws relating to school attendance and truancy are revised. St. 1898, 496, 580. (See 1883, 174 § 3, 245; 1885, 71; 1887, 433; 1888, 348; 1889, 135, 249, 422, 464; 1890, 48, 299, 309, 384; 1891, 317, 361, 426; 1892, 62; 1893, 253; 1894, 188, 498, 508 §§ 13, 14; 1896, 360; 1897, 236; 1898, 315, 494.)

SECT. 9. Additional provisions to prevent introduction of contagious diseases into schools. St. 1884, 64; 1890, 102; 1898, 496 § 11. (See 1884, 98; 1885, 198; 1894, 498 § 9, 515.)

Exemption from vaccination allowed in certain cases. St. 1894, 515 § 2; 1898, 496 § 11.

Chapter 48.—Of the Employment of Children and Regulations respecting Them.

The laws relating to the employment of children are revised. St. 1894, 508; 1896, 288; 1898, 394, 494, 505. (See 1882, 150; 1883, 157, 224; 1884, 275; 1885, 222, 305; 1885, 87; 1887, 103, 121, 173, 215, 218, 280, 330, 399, 422, 433; 1888, 149, 305, 348; 1889, 135, 229, 291; 1890, 48, 90, 183, 299; 1891, 239, 317, 350; 1892, 83, 210, 296, 330, 352, 357, 410; 1894, 498; 1896, 382; 1897, 236; 1898, 496.)

Deductions in wages are restricted. St. 1898, 505.

Children under ten shall not be permitted to enter street cars to sell newspapers, etc. St. 1889, 229.

SECT. 7 repealed. St. 1887, 433 § 5.

SECTS. 8, 9 are repealed. St. 1894, 508 § 80. (See 1885, 305.)

Admission of children under thirteen to certain shows and places of amusement is restricted. St. 1887, 446.

Illegal peddling and begging by children are prohibited. St. 1887, 422. (See 1885, 305; 1892, 331.)

SECT. 10 repealed. St. 1898, 496 § 36.

SECTS. 11–21 are repealed and the truant laws revised. St. 1898, 496. (See 1886, 101 § 4; 1889, 249; 1890, 309; 1891, 426; 1892, 62; 1893, 253, 270; 1894, 498, 508 §§ 12, 14; 1896, 360; 1897, 236; 1898, 315, 433 § 28, 443.)

SECTS. 18–27. Further provisions made for care, education and protection of neglected, destitute and abandoned children. St. 1882, 181, 270; 1883, 232; 1885, 176; 1886, 330; 1887, 401; 1888, 248; 1889, 230, 309; 1891, 194; 1892, 318; 1893, 197, 217, 252, 262; 1895, 310; 1896, 288, 382. (See 1884, 210; 1886, 101; 1887, 441; 1889, 416; 1894, 508; 1898, 315, 433, 496, 580.)

SECT. 19 is amended. St. 1883, 245.

SECT. 22 *et seq.* Provisions regulating infant boarding-houses and adoptions. St. 1889, 309, 416; 1891, 194; 1892, 318; 1895, 310. (See 1882, 270 § 3; 1898, 433 § 28, 443.)

Chapter 49.—Of the Laying Out and Discontinuance of Ways, and of Damages Occasioned by the Taking of Land for Public Use.

A commission for improvement of public roads and construction of State highways is provided for. St. 1893, 476; 1894, 497; 1896, 345, 541; 1897, 355; 1898, 476, 528, 539. (See 1892, 338; 1895, 347, 486; 1896, 481, 513, 541; 1897, 340; 1898, 365, 404 § 4.) They may furnish steam rollers to towns for construction of roads on certain conditions. St. 1896, 513; 1897, 355 § 3. Prisoners may prepare material for road making. St. 1898, 365. (See 1898, 393.)

A metropolitan park commission is established. St. 1893, 407; 1895, 450, 465. They are authorized to lay out roadways and boulevards connected with parks. St. 1894, 288; 1898, 473. (See 1896, 472; 1898,

455, 463, 530.) And to join with a city or town to lay out, widen, etc., streets in certain cases. St. 1896, 465. (See 1894, 393, 483, 509; 1895, 272, 283, 305; 1896, 199, 466, 550; 1897, 121; 1898, 166, 366, 455.) And to construct a dam across Charles river. St. 1898, 531.

Park commissioners are given certain powers in regard to highways, connected with public parks. St. 1893, 300; 1896, 199, 313; 1897, 379. (See 1893, 416; 1894, 479; 1898, 121.)

Description and plan of lands taken for highway must be filed in registry of deeds. St. 1898, 134.

SECTS. 1, 10, 13. Towns may alter, etc., but not discontinue, county highways or bridges within their limits. St. 1891, 170. (See 1893, 65, 380; 1895, 227.)

Land may be taken for public parks. St. 1882, 154; 1890, 240. (See 1893, 225, 300, 331; 1896, 199.) For laying out bicycle paths. St. 1898, 551.

For the cultivation or preservation of trees. St. 1882, 255. (See 1885, 123, 157; 1886, 296; 1890, 196; 1891, 49; 1892, 147; 1896, 190; 1897, 254, 428.)

And for the purification and disposal of sewage. St. 1890, 124.

Sewer and water pipes may be laid in ways before taking possession for construction. St. 1893, 65.

Spaces may be reserved in ways for certain special uses. St. 1894, 324.

SECTS. 6, 14 *et seq.* County commissioners may lay out, etc., highways under the betterment law, where accepted. St. 1887, 124. (See 1884, 226; 1898, 134.)

They may determine locations of public landing places. St. 1882, 109.

SECT. 18. New provision made in regard to payment of damages. St. 1883, 253.

SECTS. 33, 79, 86, 91 revised and extended. Time for application for a jury more particularly defined. St. 1892, 415.

SECT. 47. Officers' *per diem* for attendance fixed. St. 1882, 96.

SECTS. 84-86 are revised and methods of locating, laying out and constructing ways in Boston regulated. St. 1888, 397; 1891, 323; 1892, 401, 415 § 3, 418; 1895, 439, 494; 1896, 237; 1897, 166, 167, 319, 394; 1898, 210, 252, 298, 566. (See 1893, 339, 478; 1894, 439; 1895, 334, 449 § 23; 1896, 204, 209, 492; 1897, 202 § 2, 500 § 9; 1898, 340, 540.)

SECT. 88. Provision for extending limit of time by agreement. St. 1893, 82.

SECT. 91. Application for jury may be brought within the time specified in section 33, notwithstanding the charter. St. 1892, 415 § 4.

SECT. 102. See St. 1898, 562 §§ 90, 91.

SECT. 105. Petition for damages for land taken by a town in Dukes or Nantucket may be brought in Bristol county. St. 1887, 50. (See 1885, 384 § 1.)

SECT. 107. Auditors may be appointed in the discretion of the court. St. 1894, 175.

Chapter 50.—Of Sewers, Drains and Sidewalks.

A metropolitan system of sewerage is provided for. St. 1889, 439; 1895, 342, 406; 1897, 80, 81, 83, 88, 502. (See 1890, 94, 270; 1891, 192; 1892, 68, 251; 1894, 307; 1895, 294; 1898, 366, 424.)

SECT. 1. Cities and towns may take land for the purification and disposal of sewage. St. 1890, 124. (See 1888, 160.)

SECT. 2. Description and plan of lands taken must be filed in registry of deeds. St. 1898, 134.

SECTS. 1, 3-8. Construction of, and assessments for, sewers regulated. St. 1891, 97; 1892, 245; 1893, 65, 380; 1895, 117, 127, 227; 1896, 236, 251; 1897, 138, 151, 274. In Boston. St. 1892, 402; 1894, 227, 256; 1895, 297, 494; 1896, 237, 359; 1897, 426; 1898, 257. (See 1886, 210; 1889, 456; 1890, 346; 1891, 323; 1892, 418; 1893, 304, 417 § 266; 1896, 238, 243.)

Provision made for enforcing connection with public sewers. St. 1889, 108; 1890, 132. (See 1892, 245 § 4.) And repair of private drains in streets. St. 1893, 312. Cities and towns may provide for making all drains and sewers main drains and common sewers. St. 1895, 227. And for regulating use of sewers. St. 1897, 116.

SECTS. 5, 7. Land sold may be redeemed as if sold for taxes. St. 1883, 145. The lien shall continue two years. St. 1886, 210; 1886, 236. (See 1884, 237; 1891, 97; 1892, 245 § 1; 1895, 117; 1897, 138.) Real estate assessed, defined. St. 1894, 528.

SECT. 20. Construction of and assessments for sidewalks in cities regulated. St. 1895, 444; 1896, 251. (See 1891, 323; 1892, 401, 418; 1893, 437; 1894, 82; 1895, 186, 297, 494; 1896, 158, 237, 345; 1897, 419; 1898, 566.)

SECT. 21. Barbed wire fences are restricted. St. 1884, 272.

SECT. 25. In cities which accept the act assessments may be apportioned into not more than ten annual instalments. St. 1891, 97; 1893, 380. (See 1892, 245 § 8; 1896, 158; 1897, 274.)

Chapter 51.—Of Betterments and other Assessments on Account of the Cost of Public Improvements.

This chapter applies to alterations of ways at railroad crossings. St. 1884, 280. (See 1898, 578 § 20.) And to laying out public parks. St. 1882, 154 § 7. (See 1893, 300 § 2.)

The authorities may agree to assume betterments if land owners will release damages. St. 1884, 226. (See 1898, 578 § 21.)

SECTS. 1-8. Extended to ways laid out by Metropolitan Park Commission. St. 1894, 288 § 2; 1898, 473.

SECTS. 1-9. Extended to alterations, etc., of highways by towns. St. 1891, 170 § 3. (See 1898, 351.)

Provision for apportionment of assessments. St. 1896, 158.

Assessments bear interest after thirty days and the lien continues for one year after determination of any suit to test their validity. St. 1884, 237. (See 1886, 210.)

SECT. 11. Notice of assessment of betterment must be given within three months to party to be charged. St. 1885, 299.

County commissioners may lay out, etc., highways under the betterment act, where accepted. St. 1887, 124. (See 1884, 226.)

Chapter 52. — Of the Repair of Ways and Bridges.

SECT. 1 extended. St. 1896, 345 § 2. (See 1893, 476; 1894, 497 §§ 6, 7; 1898, 404 § 4.)

SECT. 10, as to trimming, etc., of trees, is revised. St. 1885, 123 § 2. (See 1890, 196; 1891, 49; 1892, 147; 1893, 78, 403; 1896, 190; 1897, 254, 428.)

SECTS. 17, 18. Cities and towns not liable for injuries resulting from a defect in a highway consisting of snow or ice only. St. 1896, 540. (See 1893, 476 § 13; 1894, 497 §§ 6, 7; 1898, 455.)

SECT. 19. If injury is caused by a defect consisting in part of snow or ice, notice must be given within ten days. St. 1894, 422. (See 1896, 544 § 2.) Notice shall not be invalid for unintentional inaccuracy if party entitled to notice was not misled. St. 1882, 36; 1888, 114. Provision for correcting defects in notice. St. 1894, 389. (See 1894, 422.)

Words "in the superior court" stricken out. St. 1888, 114. (See 1882, 36.) Liability of street railway companies. St. 1898, 578 §§ 11, 12.

Chapter 53. — Of the Regulations and By-laws respecting Ways and Bridges.

The use of bicycles, etc., is regulated. St. 1894, 479; 1898, 121. (See 1898, 351.)

Canals and waterways adjudged to be dangerous to public travel must be fenced. St. 1887, 393.

SECT. 1 revised. Guide posts shall be erected at forks and intersections of ways leading to other towns. St. 1887, 162. Provision to restrict advertising signs in streets of Boston. St. 1895, 352; 1897, 413 § 6.

SECTS. 11–14. The leading or driving of a bear or other dangerous wild animal upon the highway is forbidden. St. 1894, 105.

SECT. 13 *et seq.* Certain rights of way in the streets, etc., are given to the police in Boston. St. 1889, 57. (See 1893, 367 § 120.) And to fire departments. St. 1898, 162.

Cities and towns may regulate width of tires on vehicles owned therein. St. 1895, 296.

Selectmen in towns may regulate vehicles in streets. St. 1885, 197. (See 1894, 479; 1898, 121.) And street musicians and coasting. St. 1892, 390. (See 1894, 479.)

SECT. 16 amended. St. 1892, 390.

SECT. 18. County commissioners may regulate the speed at which persons may ride or drive over certain bridges. St. 1888, 313. (See 1882, 108.)

SECT. 28 *et seq.* See St. 1889, 246; 1890, 118.

Chapter 54. — Of the Boundaries of Highways and other Public Places and Encroachments thereon.

Provision for establishment of a building line on public ways. St. 1893, 462; 1896, 313; 1897, 379.

Erection and maintenance of posts, wires and structures in highways regulated. St. 1884, 302, 306; 1889, 398, 434; 1895, 350, 420. (See 1883, 221.) And advertising signs on posts in Boston. St. 1895, 352; 1897, 413 § 6.

Barbed wire fences are restricted. St. 1884, 272.

SECTS. 6-11. Further provisions for planting, cutting, trimming, and preservation of shade trees. St. 1885, 123, 157; 1890, 196; 1891, 49; 1892, 147; 1896, 190; 1897, 254, 428. (See Res. 1886, 32. St. 1886, 296; 1893, 78, 403; 1897, 143.)

SECTS. 9 and 12 are repealed. St. 1885, 123 § 3.

SECT. 16. Certain exceptions made. St. 1889, 129; 1893, 75.

Chapter 56. — Of the Inspection and Sale of Butter, Cheese, Lard, Fish, Hops, Leather, and Pot and Pearl Ashes.

A uniform standard is established for certain weights and measures. St. 1894, 198.

Provision made for a State dairy bureau and protection of dairy products. St. 1891, 412; 1892, 139. (See 1891, 58; 1894, 280; 1895, 214; 1896, 377; 1897, 349.)

SECTS. 3-21. Sale of imitations of butter regulated. St. 1886, 317; 1891, 58, 412; 1894, 280; 1896, 377. (See 1882, 263; 1884, 310; 1885, 352.)

Sale of adulterated lard regulated. St. 1887, 449.

SECT. 20. Powers and duties of inspectors increased. St. 1884, 310 § 2; 1885, 352 § 5; 1891, 58 § 2. (See 1882, 263.)

SECT. 22 *et seq.* Public weighers of salt-water fish provided for. St. 1888, 163.

Chapter 57. — Of the Inspection and Sale of Milk.

Municipal, district and police courts and trial justices are given jurisdiction under this chapter. St. 1885, 149; 1897, 349. (See 1893, 396 § 40.)

Provision is made for a State dairy bureau and protection of dairy products. St. 1891, 412; 1892, 139. (See 1891, 58; 1894, 280; 1895, 214; 1896, 377; 1897, 349.)

This chapter is not repealed or amended by St. 1882, 263. St. 1884, 289 § 4.

SECT. 2 is revised and powers and duties of inspectors modified. St. 1884, 289, 310 §§ 3, 4; 1885, 352 §§ 4, 5; 1886, 318; 1891, 58 § 3, 412 § 10. (See 1895, 449 § 19; 1896, 250.)

SECTS. 5, 7, 9 are revised. Additional provisions against adulteration of milk. St. 1884, 289, 310; 1885, 352; 1886, 318; 1891, 412; 1896,

398. (See 1882, 263; 1889, 326; 1893, 210.) The sale of condensed milk is regulated. St. 1896, 264.

An act to protect owners of cans used in sale of milk, cream, etc. St. 1893, 440.

SECT. 8. It is made an offence to obstruct an inspector. St. 1884, 310 § 5. And to counterfeit his seal or tamper with samples. St. 1886, 318 § 4; 1896, 398 § 3. And to wilfully deface and misuse milk cans. St. 1885, 133.

SECT. 12 is repealed. St. 1885, 143.

Chapter 58.—Of the Inspection and Sale of Provisions and Animals intended for Slaughter.

This chapter is repealed and the laws relating to contagious diseases among domestic animals are revised and codified. St. 1894, 491; 1895, 476, 496; 1896, 276; 1897, 165, 178, 499; 1898, 451. (See 1884, 232; 1885, 148, 378; 1887, 250, 252; 1892, 195, 432; 1893, 306; 1895, 449 § 19; 1896, 250.)

Further provisions to prevent adulteration of food and drugs. St. 1882, 263; 1884, 289; 1886, 171; 1897, 344. (See 1883, 268; 1896, 397.)

The sale of dressed poultry is regulated. St. 1887, 94. (See 1883, 230.)

Chapter 59.—Of the Inspection and Sale of Certain Oils.

SECTS. 6, 7. Provision is made to regulate preparation, storage, inspection and sale of certain unsafe oils, and kerosene and petroleum products, and the erection of buildings therefor. St. 1885, 98, 122; 1894, 399. (See 1882, 250; 1892, 419 § 111; 1896, 520.)

Chapter 60.—Of the Inspection and Sale of Various Articles.

A uniform standard is established for certain weights and measures. St. 1894, 198; 1895, 28. (See 1897, 443, 517.)

An act to regulate bakeries. St. 1896, 418.

Provision for inspection of ice sold in cities. St. 1895, 338. And of concentrated commercial feed stuffs. St. 1897, 117.

Dealers in ice must provide each wagon with scales and weigh ice when requested. St. 1890, 276.

SECTS. 11-16 are repealed and new provisions made. St. 1896, 297. (See 1888, 296.)

SECT. 17 is repealed. St. 1883, 29.

SECT. 20. A standard measure for cranberries is established. St. 1884, 161. (See 1883, 225; 1890, 426.)

SECTS. 21, 22 are revised and other articles added. St. 1888, 414; 1894, 198 § 6; 1895, 28. (See 1890, 465.)

SECTS. 54, 55 are repealed. St. 1894, 111.

SECTS. 56, 57 are revised and sections 58-60 repealed. Wire nails are included. Penalties and forfeitures regulated. St. 1892, 63.

SECTS. 61, 67. See St. 1894, 198.

SECTS. 69-71. Provisions against adulteration of vinegar and for compensation of inspectors. St. 1883, 257; 1884, 163, 307; 1885, 150. (See 1895, 449 § 19; 1896, 250.)

SECTS. 72-78. Cities may regulate sale by the load of prepared wood, slabs and edgings. St. 1891, 136. Measurers may be licensed by an adjoining town. St. 1894, 83 § 2.

SECTS. 79-82. Sale of coal by measure regulated, and standard ton established. St. 1894, 429. (See 1883, 218, 225; 1884, 70.)

Chapter 61.—Of the Inspection of Gas and Gas Meters.

A board of gas and electric light commissioners is established and their powers and duties prescribed. St. 1885, 314; 1886, 346; 1887, 382, 385; 1888, 350; 1889, 373; 1891, 370; 1892, 259, 263; 1894, 327; 1895, 463; 1896, 356, 426, 473; 1898, 499. (See 1888, 428; 1891, 351; 1894, 503; 1898, 366.)

Clerk's salary fixed. St. 1891, 351; 1894, 503.

The manufacture, sale and inspection of gas and electric light regulated. St. 1885, 240, 314; 1886, 346; 1887, 382, 385; 1888, 350, 428; 1889, 169; 1890, 252; 1891, 370; 1892, 67, 259, 263, 274; 1893, 454; 1894, 182, 299, 316, 327, 432, 448, 450, 503, 533, 538; 1895, 228, 330, 350, 420; 1896, 356, 480. (See 1886, 250; 1887, 391 § 2; 1890, 404; 1891, 189; 1894, 501; 1896, 426, 473, 544; 1897, 416; 1898, 268.)

Provisions for security against accidents from electric wires. St. 1890, 404; 1895, 228; 1898, 268. (See 1897, 416.)

Report of accidents required. St. 1896, 338.

SECT. 1 amended. Tenure of office regulated. St. 1889, 169.

SECTS. 13, 14 do not apply to gas for heating, cooking, chemical and mechanical purposes. St. 1885, 240.

SECT. 14 amended. St. 1892, 67. (See 1886, 250; 1890, 252.)

SECT. 16. Refusal to furnish gas to occupant of a building, because of non-payment of gas-bill by a previous occupant, is unlawful. St. 1894, 299.

SECTS. 16-18 extended to electric lighting. St. 1894, 316; 1895, 330.

Chapter 63.—Of the Survey and Sale of Lumber, Ornamental Wood and Ship Timber.

SECTS. 1-5, 16, 19 are revised. St. 1890, 159.

SECTS. 6, 7. Surveyors may be licensed to survey lumber in an adjoining town. St. 1894, 83.

Chapter 65.—Of Weights and Measures.

A uniform standard of certain weights and measures is established. St. 1894, 198; 1895, 28; 1897, 443, 517.

The weights, measures and balances to be kept by counties, cities and towns are defined and inspection provided for. St. 1890, 426.

The sale of coal by measure regulated and standard ton fixed. St. 1894, 429. (See 1883, 218; 1884, 70.)

SECTS. 3-7. Additional provisions. St. 1897, 443, 517.

SECT. 8. Sealers are to be appointed in cities by mayor and aldermen. St. 1882, 42.

SECTS. 18-21, 25. See 1897, 443 § 8.

SECT. 21. Unlawful measures may be seized. Their possession implies unlawful intent. St. 1883, 225.

SECTS. 27, 29. See St. 1890, 276; 1894, 198; 1895, 28.

Chapter 66.—Of the Metric System of Weights and Measures.

See St. 1890, 426 § 2.

Chapter 67.—Of Auctioneers.

SECTS. 1, 5 are revised. St. 1886, 289.

Certain veteran soldiers and sailors are exempted from payment of license fee. St. 1895, 456.

SECT. 6 amended and auction sales further regulated. St. 1890, 449; 1891, 144. (See 1886, 289.)

Chapter 68.—Of Hawkers and Peddlers.

SECT. 1. Itinerant vendors must be licensed. Sales by them regulated. St. 1890, 448; 1894, 525. (See 1883, 168; 1885, 309; 1887, 422, 445; 1890, 276, 449; 1891, 144.)

Provision to prevent illegal peddling by minors. St. 1887, 422; 1892, 331. (See 1885, 305.) And peddling near licensed picnic groves. St. 1887, 445. (See 1885, 309.)

SECTS. 1, 2. Cities may regulate sale by hawkers and peddlers of any articles mentioned in section one. St. 1883, 168.

SECT. 2. New provisions made for licensing minors and regulating sales by them. St. 1892, 331. (See 1887, 422.)

SECTS. 4, 9. Licenses may be granted to persons over seventy years of age. St. 1883, 118. And to certain honorably discharged soldiers and sailors. St. 1889, 457.

SECT. 17. See St. 1890, 449 § 2.

Chapter 69.—Of Shipping and Seamen, Harbors and Harbor Masters.

Copy of registers of foreign vessels must be filed with commissioner of corporations and the commissioner appointed agent to receive service of legal process. St. 1889, 393. (See 1884, 330.)

SECTS. 1-9. Provision made for transportation of shipwrecked seamen. St. 1886, 179; 1898, 230.

SECT. 5. Extended to Gloucester harbor. St. 1895, 106 § 1.

SECT. 8. Clause as to advance wages stricken out. St. 1889, 284.

SECT. 11. Harbor lines established: Boston; St. 1882, 48; 1891, 309; 1892, 358 § 2; 1898, 278. Buzzard's Bay; 1898, 169. Chelsea; 1887, 344. Gloucester; 1882, 103; 1883, 109; 1895, 106 § 2. (See 1885, 315.) Haverhill; 1883, 104.

SECT. 14. Additional provisions made. St. 1897, 273.

SECT. 23. Further provisions for protection of harbors, beaches and shores. St. 1884, 269; 1892, 206. Boston; 1892, 358. Marblehead; 1892, 214.

SECT. 25. Provision for assistant harbor masters. St. 1882, 216. (See 1884, 173.)

Appointment of harbor masters in Boston regulated. St. 1889, 147.

SECTS. 26, 29, 33. Powers of harbor masters extended. St. 1884, 173. Regulations made for Gloucester harbor. St. 1885, 315. (See 1895, 106.)

SECT. 33 extended to sections 23-32. St. 1884, 173.

Chapter 70.—Of Pilots and Pilotage.

Additional pilots provided for. St. 1882, 174; 1887, 298.

Pilotage fees established: Cohasset; St. 1887, 298. Salem and Beverly; 1887, 204. Winthrop; 1892, 114. Wood's Holl; 1889, 275. (See 1888, 288.)

SECT. 7. Boston harbor limits regulated. St. 1892, 358 § 2. (See 1882, 48; 1891, 309; 1897, 486; 1898, 278.)

SECT. 12. The pilots shall be "for any or all of said ports." St. 1890, 300.

Waters of Buzzard's Bay defined. St. 1898, 169.

SECTS. 26-32. Certain exemptions from fees are made. St. 1884, 213, 252.

SECT. 30. Limit extended. St. 1884, 252 §§ 2, 3.

SECT. 39. It is forbidden to assume or continue to act, without authority, as a pilot. St. 1884, 252 § 6.

Chapter 72.—Of Public Warehouses.

SECT. 2. Bond and sureties are to be approved by the governor. St. 1885, 167.

SECT. 5. Provision for non-negotiable receipts assignable only on the books of the warehouseman. St. 1886, 258.

SECTS. 8, 10 amended. St. 1895, 348.

SECT. 10. Goods may be sold to pay charges a year overdue. St. 1887, 277; 1895, 348 § 6. Sale of perishable and dangerous goods provided for. St. 1895, 348.

Chapter 73.—Of Common Carriers and Express Companies.

An act to protect the business of licensed carriers of goods for hire. St. 1895, 481.

Transportation and delivery of intoxicating liquors in no-license towns regulated. St. 1897, 271. And transportation of human bodies. St. 1897, 437 § 6.

Chapter 74.—Of the Employment of Labor.

A State board of arbitration and conciliation is established. St. 1886, 263; 1887, 269. (See 1898, 366.) Clerk provided for. St. 1888, 261. And expert assistants. St. 1890, 385; 1892, 382.

A board is established to consider the subject of the unemployed. St. 1894, 238.

Employment in the civil service is regulated. St. 1884, 320; 1887, 364; 1888, 41, 253, 334; 1889, 177, 183, 351, 352; 1891, 140; 1893, 95, 253; 1894, 267; 1895, 376; 1896, 449, 494, 502, 517; 1897, 328. (See 1894, 519; 1895, 376, 501; 1898, 366, 367, 447, 454. Res. 1892, 34.)

Preference is to be given to veteran soldiers and sailors in certain cases. St. 1896, 517. (See 1884, 320 § 14; 1887, 437; 1889, 473; 1894, 519; 1895, 501; 1898, 447, 454.)

And to citizens of the United States in employment of mechanics and laborers on public works. St. 1896, 494.

Provision for appointment of a registrar of labor. St. 1895, 376.

It is made an offence to compel any person, as a condition of employment, to agree not to join a labor organization. St. 1894, 508 § 3. (See 1892, 330; 1894, 437.)

Workmen employed by a contractor on public work for a city or town may sue the city or town for their wages, on certain conditions. St. 1892, 270. (See 1896, 444.)

Provision to prevent persons not residents of the Commonwealth acting as officers to protect property of employers of labor. St. 1892, 413.

Provision for a State industrial camp for certain convicts. St. 1898, 393. (See 1898, 365.)

Provision for authorizing bells, gongs and whistles for factories, etc. St. 1883, 84.

Leave of absence to vote provided for. St. 1893, 417 § 7. (See 1887, 272; 1890, 423 §§ 143, 144.) Influencing or punishing vote of employees is forbidden. St. 1893, 417 § 337; 1894, 209.

SECTS. 1, 2, 3 are repealed and the laws relating to employment of labor are revised and consolidated. St. 1894, 508, 534; 1895, 129, 144, 438; 1896, 241, 288, 334, 449, 494; 1898, 150, 394, 431, 505. (See 1882, 150; 1884, 275; 1886, 87; 1887, 103, 121, 173, 215, 218, 269, 280, 330, 363, 399, 433; 1888, 149, 305, 348 426 § 1; 1889, 135, 291; 1890, 48, 90, 183, 299, 375; 1891, 125, 239, 317, 350, 357; 1892, 83, 210, 296, 330, 852, 357, 410, 413 § 2; 1893, 246, 386, 406; 1894, 209, 437, 498; 1895, 471; 1896, 343, 444, 481, 502, 517; 1897, 328; 1898, 447, 454, 494.) Employees in public offices may be allowed a half holiday each week. St. 1898, 367.

Specification of work is required in textile factories. St. 1894, 534; 1895, 144. (See 1887, 361; 1891, 125; 1892, 410; 1894, 508 §§ 55, 56.) Use of traversing machinery in cotton factories restricted. St. 1896, 343.

SECT. 3. Liability of employers for injuries to employees extended and regulated. St. 1886, 260; 1887, 270; 1888, 155; 1892, 260; 1893, 359; 1894, 481 §§ 8-10, 63, 499; 1895, 362 § 7; 1897, 491. (See 1883, 243; 1886, 140, 173, 260; 1890, 83, 179; 1893, 111; 1896, 302, 343.) And for injuries to persons not employees. St. 1898, 565.

SECT. 4. Hours of labor regulated in certain cases. St. 1894, 508 §§ 7-14. (See 1883, 157; 1884, 275; 1886, 90; 1887, 215, 280, 330; 1888, 348 §§ 1, 2; 1890, 183, 375; 1891, 350; 1892, 83, 352, 357; 1893, 386,

406.) Deductions in wages of women and children restricted. St. 1898, 505.

SECTS. 4, 5. Form of complaint prescribed. St. 1894, 508 § 56. (See 1892, 210.)

Chapter 75.—Of Limited Partnerships.

SECT. 3. Name of a former firm may be used with consent of its members. St. 1887, 248 § 1.

SECT. 5. Fee for filing fixed at one dollar. St. 1896, 523.

SECT. 6. Certificate must be filed in office of secretary of the Commonwealth. St. 1898, 485.

SECTS. 7, 8, 12 amended. Interest and liability of special partners regulated. St. 1887, 248.

Chapter 76.—Of the Use of Trade-marks and Names.

An act to protect owners of cans, bottles, etc., used in sale of milk, cream, soda water and other beverages. St. 1893, 440. And to protect use of labels, trade-marks and forms of advertising. St. 1895, 462. (See 1890, 104; 1893, 443; 1894, 285; 1898, 500.)

Sale of goods marked sterling, or coin silver, regulated. St. 1894, 292.

Chapter 77.—Of Money, Bills of Exchange, Promissory Notes and Checks.

An act relative to negotiable instruments. St. 1898, 533.

SECT. 1. The par of exchange established by United States Rev. Sts. § 3565 is adopted. St. 1882, 110.

SECT. 3 is not repealed by St. 1888, 388. (See 1890, 416; 1892, 428; 1895, 497; 1896, 183; 1898, 577 § 11.)

Interest on and discharge of small loans regulated. St. 1888, 388; 1892, 428; 1898, 577. (See 1890, 398, 416.)

SECTS. 8-17 are revised. St. 1898, 533. (See 1885, 210; 1888, 329; 1894, 333, 427; 1895, 201, 415; 1896, 228, 496.)

Provision made for payment of checks, drafts, etc., presented after death of drawer. St. 1885, 210.

Chapter 78.—Of the Prevention of Frauds and Perjuries.

No agreement to make a will, devise or legacy is binding unless in writing. St. 1888, 372.

Chapter 79.—Of the State Board of Health, Lunacy and Charity.

Title amended, and board divided into a board of health, a board of charity and a board of insanity. St. 1886, 101; 1898, 433. (See 1898, 425, 428, 443.)

Salary of secretary fixed. St. 1889, 370.

The board of health is given general supervision of inland waters and sources of water supply. St. 1888, 375; 1890, 441 § 1. (See 1884, 154; 1886, 274; 1889, 439.) And the vaccine institutions. St. 1894, 355.

It may forbid sale of impure ice. St. 1886, 287. (See 1895, 338.)

Appropriation for enforcing laws against adulterations increased. St. 1891, 319. (See 1882, 263 § 5; 1883, 263; 1884, 289 § 1.)

False representations to officers of the board, etc., made punishable. St. 1891, 343. (See 1898, 433.)

It must report prosecutions and expenditures. St. 1884, 289 § 2. (See 1898, 366.)

The governor may appoint a special officer to assist in cases of deserted and unprotected children. St. 1895, 310. (See 1885, 158.)

SECT. 3. See St. 1884, 179 § 4; 1890, 58 § 2; 1891, 54; 1894, 245.

SECTS. 8, 9. Classes of inmates who may be removed specified. St. 1887, 367. (See 1886, 219, 319; 1887, 346, 367; 1894, 251; 1895, 390; 1896, 482; 1897, 418; 1898, 425, 433, 438.)

SECT. 13 amended. St. 1894, 196.

Chapter 80.—Of the Preservation of the Public Health.

A metropolitan system of sewerage is provided for. St. 1889, 439; 1895, 342, 406; 1897, 80, 81, 83, 88, 502. (See 1891, 192; 1894, 307; 1895, 294; 1898, 180, 386, 424.) And water supply. St. 1895, 488; 1896, 436; 1897, 327, 336, 339; 1898, 166, 392, 464. And parks. St. 1893, 407; 1894, 288, 483, 509; 1895, 305, 450; 1896, 465, 550; 1897, 121, 311; 1898, 473. (See 1893, 475; 1894, 393; 1895, 272, 283; 1896, 199, 466; 1898, 166, 366, 427, 463, 530, 531.)

Provision made to prevent adulteration of food and drugs. St. 1882, 263; 1884, 289; 1886, 171, 287; 1891, 319; 1897, 344. (See 1883, 263; 1889, 326; 1891, 58, 374, 412; 1894, 280; 1895, 385; 1896, 264, 377, 397 § 19; 1898, 192, 193.) And of spirituous liquors. St. 1896, 272. To regulate bakeries. St. 1896, 418.

To prevent sale of toys or confectionery containing arsenic. St. 1891, 374.

To prevent sale of impure ice. St. 1886, 287. (See 1895, 338.)

To prevent manufacture of clothing in unhealthy places. St. 1894, 508 §§ 44-48; 1898, 150. (See 1891, 357; 1892, 296; 1893, 246.)

To prevent feeding of garbage, refuse or offal to milch cows. St. 1889, 326. Or to food animals. St. 1895, 385. Provision for inspection of concentrated commercial feed stuffs. St. 1897, 117. Cremation of garbage, etc., authorized. St. 1889, 377.

To authorize and regulate crematories. St. 1885, 265; 1898, 437.

To abate nuisances by smoke in Boston. St. 1895, 389. (See 1893, 353.) And nuisances on unoccupied land and private passageways. St. 1893, 342; 1897, 185. Other special provisions for Boston. St. 1897, 219, 221; 1898, 298. (See 1898, 412.)

Provision for street watering. St. 1895, 186; 1897, 419.

For suppression of contagious diseases among cattle. St. 1884, 232; 1887, 250, 252; 1894, 491; 1895, 476, 496; 1896, 276; 1897, 165, 178, 499. (See 1885, 148, 378; 1892, 195, 432; 1893, 306.)

For registration and regulation of pharmacists. St. 1896, 397; 1898, 192. (See 1885, 313; 1887, 267, 431; 1888, 209; 1893, 227, 472; 1894, 435; 1898, 548 § 6.) And of dentists. St. 1887, 137; 1897, 187. And plumbers. St. 1888, 105; 1893, 477; 1894, 455; 1895, 453. (See 1882, 252 § 2; 1892, 419 §§ 120, 134.) And gasfitters in Boston. St. 1897, 265. And of physicians and surgeons. St. 1894, 458; 1895, 412; 1896,

230; 1897, 196. And for licensing and regulating stables in cities. St. 1891, 220; 1895, 213; 1896, 332; 1897, 300. (See 1897, 428.)

Supreme judicial court in equity may enforce provisions of this chapter and acts in addition thereto. St. 1893, 460.

SECTS. 1, 58, 83, 93 amended. St. 1886, 101 § 4. (See 1898, 433, 443.)

SECTS. 2, 21, 28-35 amended; section 3 repealed, and provision made for election of boards of health in towns. St. 1898, 548. (See 1885, 307; 1894, 218, 473; 1895, 398, 506; 1897, 428 § 2.)

SECT. 8 is revised. St. 1895, 332. (See 1894, 174.)

SECT. 10. Local boards may close places of burial. St. 1885, 278 § 1.

Transportation and burial of human bodies regulated. St. 1897, 437.

SECT. 12. Provisions for regulation of house drainage and connection with public sewers. St. 1889, 108; 1890, 74, 132. (See 1897, 116.)

SECTS. 21-23. Privy vaults are restricted in cities. St. 1890, 74.

SECT. 28. Expenditure under this section, without a previous appropriation, is limited. St. 1887, 338 § 1. (See 1898, 366.)

SECTS. 30-32. Right given of appeal and trial by jury, as in case of land taken for highways. St. 1887, 338 §§ 2, 3.

SECTS. 51-55 repealed. New provisions made in regard to vaccination. St. 1894, 515. (See 1894, 355, 498 § 9; 1898, 433 § 28.)

SECT. 60. Further provisions regulating infant boarding houses and adoptions. St. 1889, 309; 1891, 194; 1892, 318. (See 1882, 270; 1885, 176; 1889, 416; 1893, 262; 1895, 310 § 2.)

SECT. 69 amended. St. 1893, 79.

SECT. 70. Massachusetts homœopathic hospital aided, and appointment of trustees provided for. St. 1890, 358. (See 1898, 98, 137, 366.)

SECTS. 78, 79 are repealed and new provisions made as to notices and reports of contagious diseases. St. 1883, 138; 1884, 64, 98; 1885, 198; 1890, 102; 1891, 188; 1893, 302; 1894, 515. (See 1894, 498 § 9; 1898, 496 § 11.) Provision for hospital accommodations in cities. St. 1894, 511. And for treatment of indigent persons suffering from contagious or infectious venereal diseases. St. 1895, 400. (See 1891, 420; 1894, 511; 1895, 483, 503.)

SECT. 83 amended. St. 1886, 101 § 4; 1898, 433 § 28. (See 1883, 138; 1893, 302; 1898, 438.)

SECTS. 88-91 amended. Appeals and proceedings regulated. St. 1889, 193. (See 1883, 133.)

SECT. 92. Consent of common council required in cities. St. 1893, 106.

SECT. 93 amended. St. 1886, 101 § 4; 1898, 433 § 28.

SECT. 96 amended. St. 1896, 252.

SECT. 96 *et seq.* Further provision made to protect the purity of inland waters and sources of water supply. St. 1884, 154, 172; 1888, 160, 375; 1890, 441; 1897, 510. (See 1886, 274; 1893, 407; 1896, 252; 1897, 327; 1898, 166.)

SECTS. 98-100 are repealed. St. 1884, 154.

SECTS. 103-105 are repealed. St. 1891, 120.

Chapter 81. — Of the Promotion of Anatomical Science.

SECTS. 1, 2, 4 revised. St. 1898, 479. (See 1887, 310; 1891, 185, 406.)

SECT. 3 repealed. St. 1891, 185.

Chapter 82. — Of Cemeteries and Burials.

Provision made for commissioners of burial grounds in towns. St. 1890, 264. Sale of property by order of supreme judicial court. St. 1897, 462.

Cremation of the dead authorized and regulated. St. 1885, 265; 1898, 437. (See 1897, 437.)

Change of corporate name provided for. St. 1891, 257, 360; 1892, 198, 201. (See 1895, 104; 1896, 523.)

SECT. 3 is repealed and new provisions made defining rights of widows and children in burial lots and tombs. St. 1885, 302; 1892, 165. (See 1883, 262.)

SECT. 6. Conveyances need be recorded only in the records of the corporation. St. 1883, 142; 1889, 299.

Records must be kept of all conveyances and contracts in relation to lots. St. 1889, 299. (See 1883, 142; 1890, 264 § 3.)

SECT. 17. Towns and cities may receive funds for care, improvement and maintenance of burial places and lots. St. 1884, 186; 1890, 264 § 4.

SECT. 19. Boards of health may close any place of burial. St. 1885, 278 § 1. Transportation and burial of human bodies regulated. St. 1897, 437. (See 1898, 437.)

SECT. 20. See St. 1892, 165 § 2.

SECT. 24. To sustain an appeal the jury must find that the closing was not necessary for the protection of the public health. St. 1885, 278 § 2.

SECTS. 25-28 are repealed. St. 1885, 278 § 3.

Chapter 83. — Of the Settlement of Paupers.

SECT. 1, cl. 5, is amended. St. 1898, 425 § 1.

SECT. 6 is revised. St. 1898, 425 § 2.

Chapter 84. — Of the Support of Paupers by Cities and Towns.

Provision is made for remedial treatment of recently insane paupers. St. 1890, 414. (See 1886, 319 § 3.)

False representations for the purpose of causing any person to be supported as a pauper are made an offence. St. 1891, 343.

Provision made for custody and care of pauper children. St. 1882, 181; 1883, 232, 245; 1886, 330; 1887, 401; 1888, 248; 1889, 230, 309; 1893, 197, 217, 252; 1896, 288, 382.

An act relative to the support of the poor in towns. St. 1898, 396. (See 1897, 374.)

As to tramps. See St. 1896, 385.

SECT. 2. See St. 1890, 414; 1893, 423 § 12.

SECT. 3 is extended to towns. St. 1893, 197. The state board of

lunacy and charity may act in certain cases. St. 1887, 401, 441; 1893, 197 § 2; 1898, 396 § 2. (See 1889, 230 § 2; 1897, 374 § 3; 1898, 433, 443.)

SECT. 6. The pauper and his estate are made liable for expenses incurred for him. St. 1882, 113. The same obligation shall rest upon the mother as upon the father. St. 1898, 425 § 3.

SECT. 7 is revised. St. 1898, 425 § 4.

SECTS. 14-18. Transportation of destitute shipwrecked seamen provided for. St. 1886, 179; 1898, 230.

SECT. 17 is revised. St. 1898, 354, 396. (See 1890, 71; 1897, 374.) Overseers shall bury unclaimed or unidentified bodies upon which inquests have been held. St. 1887, 310 § 3. (See 1891, 185; 1898, 479.)

Burial of deceased indigent soldiers, sailors and marines provided for. St. 1896, 279; 1897, 164. (See 1889, 395; 1892, 184; 1894, 62.)

The sums which may be paid for burial of paupers are increased. St. 1890, 71; 1898, 354.

SECT. 18 is revised. St. 1898, 425 § 5. (See 1891, 90 § 1.)

SECTS. 18, 21, 35 amended. St. 1886, 101 § 4; 1898, 433 § 28.

SECT. 19 is revised. St. 1895, 445.

SECT. 20. Towns and cities may contract with hospitals for temporary care of the unfortunate and sick. St. 1890, 119.

SECT. 21 amended. St. 1883, 232 § 1. (See 1882, 181, 270; 1883, 245; 1885, 176; 1886, 330; 1887, 401; 1888, 248; 1893, 217.)

SECT. 29. Removal by overseers to be made within one month after notice. St. 1891, 90 § 2.

Chapter 85.—Of the Maintenance of Bastard Children.

SECT. 1. Clerk of court may receive complaint and issue warrant. St. 1885, 289. Fee for complaint and warrant abolished. St. 1897, 237.

SECT. 2 amended. St. 1886, 101 § 4; 1898, 433 § 28. (See 1898, 443.)

SECT. 6. Accused may be committed until bond be given. Provision for approval of bond. St. 1891, 367.

SECT. 14 amended. St. 1898, 155.

Chapter 86.—Of Alien Passengers and State Paupers.

SECT. 1 amended. St. 1886, 101 § 4; 1898, 433 § 28. (See 1898, 443.)

SECT. 13. A new board for both almshouse and workhouse is established and regulated. St. 1884, 297; 1891, 299. (See 1898, 366, 433, 443.)

SECT. 15. See St. 1884, 297; 1896, 288.

SECTS. 16, 19. The same person may be superintendent and resident physician. St. 1883, 278.

SECT. 21. Change made in persons who may give certificates. St. 1891, 84. (See 1898, 425 § 5.)

SECT. 22 *et seq.* The removal of sick paupers is further regulated. St. 1885, 211; 1887, 440.

SECTS. 25, 26, 31 amended. St. 1885, 211; 1891, 153. (See 1887, 440.)

SECT. 26 amended. St. 1898, 391.

SECT. 28 was repealed by St. 1883, 239, which was again repealed and new provisions made by St. 1886, 298. (See 1884, 88; 1887, 123 § 2.)

SECT. 37 is extended to persons not being sentenced inmates. Complaints regulated. St. 1884, 258. (See 1886, 101 § 4.)

SECT. 39. Board of lunacy and charity may transfer pauper lunatics to asylum at State almshouse. St. 1888, 69. (See 1898, 433, 443.)

SECT. 44 *et seq.* New provisions made as to care of children. St. 1882, 181, 1883, 232; 1886, 330; 1888, 248; 1889, 230; 1893, 217, 252; 1896, 288, 382.

A limited number of children afflicted with epilepsy or chronic disease may be placed in hospital cottages at Baldwinville, which are aided, and State trustees are provided for. St. 1887, 441; 1889, 230; 1890, 354; 1892, 407. (See Res. 1888, 91. St. 1898, 433.) Hospital established for epileptics. St. 1895, 483. And for consumptives. St. 1895, 503. (See 1895, 400; 1898, 433, 575.)

SECT. 46 amended. St. 1882, 181 § 1. (See 1886, 101 § 4, 330; 1888, 248; 1898, 433, 496.)

Chapter 87. — Of Lunacy and Institutions for Lunatics.

The word "lunatic," wherever it occurs in the laws, is changed to "insane person." St. 1898, 433 § 23.

SECTS. 1, 29 amended. St. 1886, 101 § 4; 1898, 433 § 28. (See 1897, 374; 1898, 366, 367, 396, 433.)

A board of commissioners of insanity is established. St. 1898, 433. (See 1898, 425 §§ 5, 6, 443.)

SECT. 2 *et seq.* Additional hospital accommodations provided for at Westborough; St. 1884, 322. In eastern Massachusetts; St. 1890, 445. At Medfield and Dover; St. 1892, 425. (See 1893, 395; 1894, 391, 465, 526; 1895, 399. Res. 1896, 41.) A hospital for male dipsomaniacs and inebriates; St. 1889, 414; 1890, 251; 1891, 158. (See 1885, 339; 1891, 307; 1892, 53; 1893, 223, 256, 395; 1897, 474. Res. 1892, 33, 50, 55.) For insane criminals; St. 1886, 219; 1895, 390. For epileptics; St. 1895, 483. (See 1898, 433.)

SECT. 4. Number of trustees increased. St. 1884, 149.

SECTS. 6, 7, 9. Extended to hospital for epileptics. St. 1895, 483 § 6.

SECT. 6 *et seq.* At all State institutions for the insane, provision shall be made for fire escapes and apparatus. St. 1890, 378.

SECT. 7. Female assistant physicians provided for. St. 1884, 116.

SECT. 9. Time of meeting and of report changed. St. 1887, 170.

SECT. 11 *et seq.* Further provisions as to commitment and custody of insane. St. 1884, 234, 322 §§ 7, 9; 1885, 339, 385; 1886, 219, 319; 1887, 346; 1889, 90, 414; 1890, 414; 1891, 158; 1892, 53; 1894, 195; 1895, 286, 390, 429; 1896, 482; 1897, 418; 1898, 433. (See 1883, 148; 1892, 229.)

SECTS. 11, 37, 46. Cities of over fifty thousand inhabitants may establish asylums for chronic insane. St. 1884, 234.

Chronic and quiet insane may be cared for in private families. St. 1885, 385. (See 1887, 347 § 2, 367; 1890, 414; 1894, 195; 1896, 482.)

SECT. 12 amended. St. 1894, 195; 1898, 433 § 28. (See 1895, 429.)

SECT. 13 is revised. St. 1895, 286, 429. (See 1892, 229.) Fee for commitment established. St. 1894, 493.

SECT. 14 repealed and revised. St. 1892, 53; 1898, 438. (See 1898, 433 § 26.)

SECT. 15. See St. 1884, 322 § 7.

SECT. 23. Fee for physician's certificate changed. St. 1894, 493 § 2. (See 1895, 286, 429.)

SECT. 25. Application shall be made in case of any insane person deprived of proper treatment. St. 1890, 414 § 1.

SECT. 26 is amended. St. 1898, 438. (See 1884, 234; 1886, 101 § 4; 1898, 433 § 28.)

SECT. 31 *et seq.* See St. 1890, 296.

SECTS. 32-34. Commonwealth shall pay for support of certain criminals committed to insane hospitals. St. 1883, 148; 1889, 90. (See 1894, 214 § 3.)

Provision to reimburse towns in certain cases. St. 1892, 243; 1895, 375; 1898, 196.

SECT. 37. Name of temporary asylum changed. St. 1887, 239.

SECT. 38 *et seq.* The transfer of the insane regulated. St. 1884, 234 § 3, 322 §§ 7, 9; 1885, 339 §§ 2, 3, 385; 1886, 219, 319; 1887, 346 § 2, 367; 1889, 90, 414 § 16; 1890, 414; 1891, 158; 1894, 251; 1895, 390; 1896, 482; 1897, 418; 1898, 433.

SECT. 40. Superintendents may be authorized to discharge patients and may allow temporary absences. St. 1883, 78. (See 1885, 339 § 3; 1886, 319.)

SECT. 46 *et seq.* Overseers of the poor shall not commit or detain recently insane persons in an almshouse without remedial treatment. They must give notice to the State board of the admission and discharge of the insane. St. 1890, 414. (See 1886, 319 § 3.)

SECTS. 47-49 are repealed. The asylum at Ipswich is discontinued. St. 1887, 207. (See 1890, 445.)

SECT. 50. See St. 1887, 367; 1898, 433 § 11.

SECT. 55 *et seq.* Name changed to "school for the feeble-minded." Regulations revised. St. 1883, 239; 1886, 298. The allowance is increased. St. 1887, 123. (See 1884, 88; 1886, 298 § 4.)

Chapter 88. — Of the State Workhouse.

Name changed to "State farm." St. 1887, 264.

A new board is established. St. 1884, 297; 1891, 299. (See 1883, 279; 1887, 264; 1898, 366, 433, 443.) Provision for a State industrial camp for certain convicts. St. 1898, 393.

Provision for an asylum for insane criminals. St. 1886, 219; 1895, 390. (See 1886, 319; 1887, 367; 1894, 195, 251; 1896, 482; 1897, 418; 1898, 433, 443.)

SECT. 4 amended. St. 1886, 101 § 4; 1898, 433 § 28. (See 1898, 443.)

SECTS. 5-8. Persons not being sentenced inmates, who escape and within one year are found begging, may be punished. St. 1884, 258.

(See 1889, 245.) Sentences to State farm regulated. St. 1882, 127; 1884, 258; 1898, 443. (See 1887, 264; 1894, 214; 1898, 433.)

Provision made for transfer of prisoners to and from the State farm. St. 1884, 297; 1887, 292; 1890, 180, 278; 1894, 214, 251; 1895, 390; 1896, 482; 1897, 418; 1898, 433, 443.

Chapter 89.—Of the State Primary and Reform Schools and the Visitation and Reformation of Juvenile Offenders.

SECTS. 1, 8. Primary and reform schools changed to Lyman school; and authority of trustees extended and commitments regulated. St. 1884, 323; 1885, 86, 151; 1895, 428. (See 1884, 255 § 11; 1896, 288.)

SECTS. 4, 5. Provision made for care and maintenance of pauper children between the ages of three and sixteen having no settlement. St. 1882, 181; 1883, 232 § 3; 1886, 330. (See 1888, 248; 1896, 288.)

SECTS. 5, 7 amended. St. 1886, 101 § 4; 1898, 433 § 28. (See 1898, 443.)

SECT. 15. Extended to United States courts. St. 1887, 426 § 2. (See 1886, 304, 317.)

SECT. 18 *et seq.* Arrests and commitments of children regulated. St. 1882, 127, 181 § 3; 1883, 110; 1884, 255 § 11, 323 § 3; 1888, 248. (See 1887, 266; 1889, 469; 1896, 288, 382; 1898, 433, 496, 580.)

No boy over fifteen shall be committed to the Lyman School. St. 1884, 255 § 11, 323 § 3.

Summons to be issued to children under twelve. St. 1882, 127 § 3.

SECT. 20. New provision made as to notice of complaint. St. 1883, 110.

SECT. 33. Fees and charges of salaried officers regulated. St. 1889, 353, 469; 1890, 440; 1891, 325.

SECT. 34 *et seq.* See 1896, 288.

SECT. 38 *et seq.* See St. 1895, 428 § 3; 1896, 288, 382; 1898, 396.

SECT. 45. Trustees may discharge boys for mental incapacity or bodily infirmity. St. 1889, 123.

SECT. 47. See St. 1896, 317.

SECTS. 49, 51 repealed. St. 1888, 248 § 2. (See 1882, 181 § 3; 1887, 266.)

Chapter 90.—Of Contagious Diseases among Cattle, Horses and Other Domestic Animals.

This chapter is repealed and revised. St. 1894, 491; 1895, 476, 496; 1896, 276; 1897, 165, 178, 499; 1898, 451. (See 1884, 232; 1885, 148, 378; 1887, 250, 252; 1892, 195, 432; 1893, 306; 1898, 366.)

Chapter 91.—Of Inland Fisheries and Kelp.

The commissioners shall be game commissioners also. St. 1886, 276 § 7. (See 1893, 105; 1895, 56; 1898, 124. Res. 1898, 30.)

The district police may enforce fish and game laws. St. 1897, 288.

Fishing is regulated in various places: Barnstable county; St. 1884,

264; 1887, 120; 1892, 196. (See 1885, 193; 1886, 202.) Bass river; 1894, 134. Berkshire; 1888, 276; 1890, 193; 1895, 199. Bourne; 1891, 164. (See 1889, 202.) Brimfield; 1895, 411. Bristol; 1882, 189. Buzzard's bay; 1884, 214 § 2; 1886, 192; 1891, 327; 1893, 205, 255. (See 1887, 197; 1890, 229; 1898, 169.) Dennis; 1895, 203. Dukes; 1884, 245; 1886, 234. (See 1882, 102; 1895, 180; 1898, 421.) Eastham; 1893, 77. Edgartown; 1886, 234; 1891, 52; 1897, 181. (See 1882, 65; 1885, 247.) Essex; 1888, 126; 1893, 36; 1897, 289. Franklin, Hampden and Hampshire; 1890, 193. Crystal lake, Haverhill; 1894, 296. Ipswich; 1897, 289. Marion; 1892, 188; 1893, 255. (See 1892, 188; 1893, 55, 255.) Marshfield; 1889, 292; 1890, 336. Mashpee; 1884, 264; 1892, 196. Mattapoisett; 1884, 214; 1890, 229; 1892, 186. (See 1887, 197.) Merrimack river; 1882, 166; 1883, 31, 121; 1884, 317; 1895, 88; 1897, 110. (See 1893, 201; 1894, 113.) Nantucket; 1891, 128. (See 1887, 96; 1888, 238.) Norwell and Pembroke; 1889, 292; 1890, 336. Plum Island bay (tributaries); 1887, 105; 1890, 30. Plymouth; 1884, 199; 1886, 163; 1889, 292; 1890, 336. (See 1883, 76.) Quinsigamond lake; 1896, 259. Randolph; 1889, 78. Rowley; 1897, 289. Scituate; 1889, 292; 1890, 336. Wellfleet bay; 1891, 135. (See 1889, 179.) Lake Chaubunagungamaug, Webster; 1896, 110. Westport; 1887, 193; 1891, 137.

Persons violating the fish laws may be arrested without a warrant in certain cases. St. 1893, 105.

Commissioners may forbid discharge of sawdust from a mill into a brook. St. 1890, 129.

The catching of pickerel is restricted. St. 1888, 331. (See 1895, 199.)

Squam pond, Gloucester, granted to the United States fish commission for ten years. St. 1892, 43.

Provision made for protection of traps, trawls and seines. St. 1882, 53.

A bounty provided for destruction of seals. St. 1888, 287; 1892, 234.

SECT. 3. See St. 1893, 105.

SECT. 10-24. Use of nets in ponds restricted. St. 1884, 318.

An act for the protection of great ponds. St. 1888, 318.

SECT. 12. The provisions for leasing great ponds are repealed. St. 1885, 109. (See 1889, 354; 1895, 180.)

Provision made for stocking great ponds. St. 1897, 208.

SECT. 16. Proceedings against defaulting lessees regulated. St. 1886, 248.

SECT. 17. See St. 1886, 248 § 2.

SECT. 25. Provision for flowing lands in Barnstable for fish culture. St. 1889, 383.

SECT. 26 not repealed by St. 1892, 252.

SECT. 31. Rights of riparian proprietors extended. St. 1890, 231.

SECTS. 36, 39. Use of nets and seines in Merrimack river regulated. St. 1882, 166; 1883, 31, 121; 1884, 317; 1897, 110. (See 1882, 53; 1893, 201; 1894, 113; 1895, 88.)

SECT. 41. Certain fisheries exempted. St. 1884, 199.

SECTS. 45, 46. See St. 1894, 113.

SECTS. 51-53. Regulations for trout, land-locked salmon and lake trout

fishing. St. 1884, 171; 1888, 276; 1890, 193; 1891, 138; 1892, 252; 1895, 277. (See 1893, 105.)

Furnishing trout and trout spawn by the Commonwealth regulated. St. 1893, 59.

SECT. 55. See St. 1888, 126.

SECT. 56. Black bass fishing regulated. St. 1893, 80; 1896, 229.

SECTS. 57, 59. Smelt fishery regulated in certain waters. St. 1887, 105; 1890, 30; 1891, 128; 1894, 189.

SECTS. 68, 69. Cities and towns may regulate or prohibit taking of eels and shell-fish. St. 1889, 391. (See 1889, 64; 1892, 186, 188; 1893, 55, 255; 1896, 268; 1897, 289.)

SECT. 70. Rights acquired under this section not affected by St. 1886, 192; 1887, 197; 1890, 229; 1891, 327; 1893, 205.

SECTS. 73, 74, 75 apply to owners of traps or contrivances for catching lobsters. St. 1889, 109.

SECT. 76. See St. 1882, 102; 1884, 245, 264; 1887, 120.

SECTS. 79, 92. Waters of Buzzard's bay defined. St. 1898, 169.

SECT. 81 *et seq.* Provisions for protection of lobsters. St. 1882, 98; 1884, 212; 1885, 256; 1887, 314; 1889, 109; 1890, 293; 1891, 122; 1893, 183. (See 1892, 403; 1893, 105.)

SECT. 84. See St. 1884, 212; 1887, 314.

SECT. 85. See St. 1887, 314 § 2.

SECTS. 93-95. Provisions for planting, taking and protection of shell-fish. St. 1884, 284; 1885, 220; 1886, 299; 1887, 119; 1888, 198, 202; 1889, 64; 1892, 74; 1895, 282; 1896, 268; 1897, 289. (See 1885, 220 §§ 3, 4; 1887, 96; 1888, 223, 238; 1889, 391; 1892, 188; 1893, 55, 172; 1897, 288.)

SECTS. 97-101 extended to waters where there are no natural oyster beds. St. 1884, 284. And to oyster shells planted to catch seed. St. 1895, 282.

Use of dredge, tongs, etc., on private oyster beds forbidden without consent of owners. St. 1885, 220 § 5. (See 1893, 105.)

The granting of oyster licenses regulated. St. 1885, 220; 1886, 299. (See 1884, 284.)

SECT. 104. Payment of fines and forfeitures regulated. St. 1890, 390 § 3; 1898, 205. (See 1887, 314 § 2.)

Chapter 92. — Of the Preservation of Certain Birds and other Animals.

This chapter is repealed and revised. St. 1886, 276; 1887, 300; 1888, 292; 1891, 142, 254; 1892, 102; 1893, 49, 105, 189, 398; 1894, 97, 102, 205; 1895, 55, 56; 1897, 140, 184, 524; 1898, 195, 339. (See 1882, 199; 1883, 36, 169; 1884, 282, 308; 1886, 246; 1887, 211; 1888, 269; 1890, 237, 249.)

An act for the protection of small game on Cape Ann. St. 1897, 140.

The fish commissioners are made game commissioners also. St. 1886, 276 § 7. (See 1893, 105; 1895, 56; 1898, 124.) The district police may enforce fish and game laws. St. 1897, 288.

Persons found violating the game laws may be arrested without a warrant in certain cases. St. 1893, 105.

Provision made for protection of game and prevention of trespass on private land. St. 1884, 308; 1890, 403, 410. (See 1886, 276 § 4.)

Liberating a fox or raccoon in Dukes county is prohibited. Provision for a reward for their destruction. St. 1890, 237.

SECTS. 1, 2. The close time for grouse, woodcock, quail and ducks is regulated. St. 1894, 205. And scoters or coots. St. 1898, 195. (See 1886, 276 § 1; 1888, 292; 1890, 249; 1891, 142; 1893, 189, 398.) Quail are protected in Nantucket. St. 1893, 49. (See 1894, 102.)

Mongolian, English and golden pheasants are protected. St. 1895, 55. (See Res. 1894, 79.)

SECT. 3. Pursuit of wild fowl with a boat propelled by any other means than sails, oars or paddles is prohibited. St. 1892, 102; 1897, 184. (See 1886, 246, 276; 1888, 269; 1897, 111.)

SECT. 6. Provision made for extermination of the English sparrow. St. 1890, 443. (See 1883, 36; 1886, 276 § 4.)

SECT. 7. Trapping or snaring and use of ferrets for certain game are made offences. St. 1886, 276 § 6; 1887, 300; 1891, 254; 1898, 124. (See 1884, 308; 1893, 105.)

SECTS. 8-10. Further provision for protection of deer. St. 1882, 199; 1883, 169; 1898, 181. (See 1893, 105.)

SECT. 9. Close season extended. St. 1894, 97.

SECT. 11. See 1890, 390 § 3; 1898, 205.

Chapter 93.—Of the Law of the Road.

See St. 1889, 57; 1893, 367 § 120.

Chapter 94.—Of Timber afloat or cast on Shore.

Floating of timber in Connecticut river regulated. St. 1882, 274; 1883, 183. (See 1885, 344; 1891, 266; 1893, 301.)

Chapter 97.—Of Wrecks and Shipwrecked Goods.

This chapter is revised. St. 1887, 98. (See 1883, 260; 1885, 341.)

Provision made for removal of wrecks and obstructions in tide-waters. St. 1883, 260.

Chapter 98.—Of the Observance of the Lord's Day.

SECTS. 1, 2, 3 are repealed and the observance of the Lord's day regulated. St. 1895, 434. (See 1886, 82; 1887, 391; 1893, 41; 1897, 389, 431 § 1; 1898, 402, 488.)

The provisions of this chapter are not a defence to actions for injuries to a traveller on the Lord's day. St. 1884, 37.

SECTS. 13, 15 amended. St. 1887, 391 § 3; 1897, 389.

Chapter 99.—Of Gaming.

Provision made for recovery of payments, etc., made on wagering contracts in securities and commodities. St. 1890, 437. (See 1892, 138.)

Provisions against gaming houses and resorts. St. 1885, 342; 1887, 448; 1892, 388; 1894, 410; 1895, 419. (See 1883, 120; 1885, 66; 1887, 380; 1890, 439 § 2; 1893, 226.) And against lotteries, policy lotteries and pool selling. St. 1892, 409; 1895, 419.

SECTS. 1, 2 amended. St. 1895, 419 §§ 11, 12.

SECT. 8 amended. St. 1885, 342; 1895, 419 § 13. (See 1894, 410.)

SECT. 10 repealed. St. 1895, 419 § 14.

Chapter 100.—Of Intoxicating Liquors.

Provision made for license boards in certain cities. St. 1894, 428; 1895, 379; 1896, 396.

The disposal or placing on file of liquor cases is restricted. St. 1885, 359.

A penalty is provided for employing a person under eighteen to serve liquor. St. 1890, 446.

Provision is made to prevent illegal sale of liquor in clubs. St. 1887, 206; 1890, 439; 1893, 226; 1894, 542.

No licenses shall be granted for sales in public parks, pleasure grounds, or reservations. St. 1897, 207.

SECT. 1. Sweet cider and light wines exempted in certain cases. St. 1894, 489.

SECTS. 2, 3, 5, 8, 10. Licenses to and sales by druggists and apothecaries regulated. St. 1896, 397. (See 1885, 313; 1887, 267, 431; 1889, 270; 1893, 472 § 4; 1894, 435.)

SECT. 5 *et seq.* The granting of licenses is further limited and regulated. St. 1882, 220, 222, 242, 259; 1883, 93; 1884, 158; 1885, 83, 90, 216; 1887, 323, 392; 1888, 139, 254, 262, 340, 341; 1889, 270, 344, 347, 361; 1890, 446; 1891, 369; 1892, 280; 1896, 397 § 7. (See 1885, 262; 1886, 323 § 2; 1887, 431; 1890, 423 § 83; 1892, 224; 1893, 148, 417 § 211; 1894, 428, 435; 1895, 89, 299.)

Dealers in paints and chemicals may be licensed to sell pure alcohol for certain trade purposes. St. 1897, 398.

Number of places to be licensed limited. St. 1888, 340.

Transfer of locality of licenses provided for. St. 1889, 344.

Licenses in summer resorts provided for. St. 1888, 340; 1892, 280; 1896, 440.

Provision for repayment of part of license fee when licensee dies before expiration of license. St. 1897, 227.

SECT. 7. Objection may be made by owner of real estate within twenty-five feet of premises. St. 1887, 323.

SECT. 9. Sales at night regulated. St. 1882, 242; 1885, 90.

Cl. 3 is revised. St. 1896, 272.

Cl. 4 extended to persons supported by public charity. St. 1884, 158.

Cl. 5 revised. St. 1891, 369.

SECT. 10, cls. 1-5. Sale, gift or delivery on election days and certain holidays is forbidden. St. 1898, 548 § 6. (See 1885, 90, 216; 1888, 254, 262; 1889, 186, 347, 361; 1894, 130; 1895, 337; 1896, 162 § 2, 308; 1897, 160.)

And may be forbidden in cases of riot or great public excitement. St. 1887, 365.

CLS. 1-3. No license of these classes shall be for a building within four hundred feet of a public school. St. 1882, 220. (See 1894, 129.)

CLS. 1-5. No license of the first five classes shall be granted to be exercised in a dwelling-house or a store having interior connection with a dwelling. St. 1888, 139.

Licenses of the sixth class limited and regulated. St. 1896, 397. (See 1885, 313; 1887, 267, 431; 1889, 270; 1893, 227, 472; 1894, 435.)

SECT. 11. The minimum fees are increased. St. 1888, 341.

SECT. 12. View of interior of the premises must not be obstructed. St. 1882, 259 § 1.

SECT. 13. Further requirements of sureties provided for. St. 1882, 259 § 2. Number of bonds on which one may be surety limited. St. 1894, 388; 1896, 169. The form of bond is changed. St. 1888, 283.

SECT. 14 is revised. St. 1897, 233; 1898, 361.

SECT. 16. License shall be void on conviction of violation of any provision of the liquor laws. St. 1887, 392.

SECT. 17. Transportation and delivery of intoxicating liquors in no-license towns further regulated. St. 1897, 271, 487.

SECT. 18 is extended. St. 1882, 242; 1897, 271, 487. The penalties are modified. St. 1889, 114, 268. (See 1896, 308.)

SECT. 24. Sales to a minor for his own or any other person's use are forbidden. St. 1889, 390.

Sale to children under sixteen of candy, or other article, enclosing a liquid containing more than one per cent. of alcohol is forbidden. St. 1891, 333.

SECT. 25 is extended to sales by druggists except on physicians' prescriptions. The mayor or selectmen may give the notice and sue for benefit of husband, wife, child, parent or guardian. St. 1885, 282. (See 1896, 397.)

SECT. 26. Additional facts made *prima facie* evidence. St. 1887, 414.

SECT. 27 is revised and new definition made. St. 1888, 219.

SECT. 29. The inspection and analysis of liquors regulated. St. 1882, 221.

Salary of inspector and assayer fixed. St. 1887, 232. (See 1885, 224; 1886, 175.)

SECT. 30. A search warrant may be issued by a justice authorized to issue warrants in criminal cases. St. 1884, 191. (See 1884, 286.)

SECTS. 30, 33. Implements of sale and furniture used or to be used for illegal keeping or sale of liquor may be seized, and destroyed or sold as court may order. St. 1887, 406; 1888, 297. (See 1897, 271, 487.)

SECT. 38. Provision made for disposition of forfeited liquors. St. 1887, 53; 1888, 297. (See 1887, 406.)

SECT. 40. Costs increased in certain cases. St. 1888, 277.

SECT. 45. Clubs may be licensed. St. 1887, 206. (See 1890, 439; 1893, 226; 1894, 542.)

Chapter 101.—Of the Suppression of Common Nuisances.

SECT. 6. Provision for suppression of nuisances under this section. St. 1887, 380. (See 1887, 206.)

St. 1887, 414, applies to cases under this chapter. St. 1887, 414 § 3. Additional costs allowed in certain cases. St. 1888, 277.

Chapter 102.—Of Licenses and Municipal Regulations of Police.

Provision made for registration of pharmacists. St. 1896, 397; 1898, 192. (See 1885, 313; 1887, 267, 431; 1888, 209; 1893, 227, 472; 1894, 435; 1897, 271; 1898, 548 § 6.) Of dentists. St. 1887, 137; 1897, 187. Of plumbers, and inspection of their work and materials. St. 1888, 105; 1893, 477; 1894, 455; 1895, 453. (See 1882, 252 § 2; 1892, 419 §§ 120, 138.) And gas-fitters in Boston. St. 1897, 265. Of physicians and surgeons. St. 1894, 458; 1895, 412; 1896, 230; 1897, 196. Of horses used for breeding purposes. St. 1890, 334. (See 1887, 143.)

And for licenses for infant boarding-houses. St. 1892, 318. (See 1882, 270 § 3; 1889, 309, 416; 1891, 194; 1895, 310; 1898, 433 § 28.) And for license to make, alter or repair in a private house clothing intended for sale. St. 1894, 508 §§ 44-48. (See 1891, 357; 1892, 296; 1893, 246.) And for itinerant vendors of merchandise. St. 1890, 448; 1894, 525. And for dealers in paints and chemicals for sale of pure alcohol for certain purposes. St. 1897, 398.

Licenses are required for engineers and firemen of certain steam boilers. St. 1895, 471; 1896, 546. (See 1893, 387; 1894, 481 § 2; 1895, 418.)

SECT. 2 amended. Provision made for license commissioners in certain cities. St. 1894, 235, 428; 1895, 379; 1896, 396.

SECT. 4. Time of grant and expiration of licenses changed. St. 1890, 73.

SECT. 5. See St. 1885, 316; 1893, 436.

SECTS. 12, 15. Liability of innholders further limited. St. 1885, 358; 1897, 305.

SECT. 13 extended to boarding-houses. St. 1883, 187; 1897, 292. Maximum fine decreased. St. 1884, 169. Disposition of unclaimed or retained baggage, etc., regulated. St. 1893, 419; 1894, 181.

Public lodging-houses in Boston must be licensed. St. 1894, 414.

SECT. 21. Words "who is a minor" added after "student." St. 1893, 292 § 1.

SECT. 23 is repealed. St. 1893, 292 § 2.

SECT. 26. Intelligence offices are regulated. St. 1894, 180. (See 1882, 258.)

SECT. 33. Articles of personal apparel are not to be deemed perishable within the meaning of this section. St. 1884, 324.

SECTS. 33-37. The business of making loans on deposits or pledges of personal property is regulated. St. 1890, 416; 1895, 497. (See 1885, 252; 1888, 388; 1892, 428; 1896, 183.)

SECT. 34. St. 1888, 388, does not apply to licensed pawnbrokers and does not affect this section. St. 1890, 416 § 6; 1892, 428 § 6; 1898, 577.

SECT. 35. Any district police officer may enter and examine pawnshops. St. 1888, 243. And pawnbrokers' books. St. 1898, 515. (See 1895, 497.)

SECT. 39. Provision for licenses for stables. St. 1890, 230, 395; 1891, 220; 1895, 213; 1896, 332; 1897, 300, 428 § 2. (See 1889, 89.)

No livery stable shall be within two hundred feet of a church, etc., without consent of the society worshipping therein. St. 1891, 220 § 2.

SECTS. 40-53. Provision for inspection of steam boilers. St. 1894, 481 § 3; 1895, 418, 471; 1898, 167, 261. (See 1892, 419; 1893, 387; 1896, 546.)

SECT. 54. Cities and towns may regulate sale or use of toy pistols, toy cannon and articles in which explosives are used. St. 1882, 272.

Fire-arms or dangerous weapons may not be sold or furnished to persons under fifteen. St. 1884, 76.

SECT. 56. Provision made for notice to chief engineer, etc., of place of storage of gunpowder and explosive compounds. St. 1882, 269.

SECTS. 69-75. Regulations for preparation, storage, inspection and sale of kerosene and petroleum products and erection of buildings therefor. St. 1885, 98, 122; 1894, 399. (See 1882, 250.)

SECTS. 80-84. The licensing of dogs is further regulated. St. 1885, 292; 1886, 259 § 2; 1887, 135, 307; 1890, 72; 1892, 50.

The keeping of blood-hounds and other like dogs is restricted. St. 1886, 340; 1892, 50.

Special licenses may be granted for breeding purposes. St. 1887, 307.

Bond required to account for receipts from dog licenses. St. 1888, 320. Time for payment of such receipts changed. St. 1886, 259.

SECT. 83 amended. St. 1886, 101 § 4. (See 1898, 433.)

SECT. 86. Provision for recording licenses in cases of transfer. St. 1884, 185.

SECT. 92. Slaughtering animals in certain towns regulated. St. 1897, 428 § 2.

SECT. 98 *et seq.* The law as to damages to domestic animals, etc., by dogs is revised. St. 1889, 454; 1894, 309. (See 1886, 259 § 1.)

Provision for appropriations from dog tax for maintenance of free public libraries in towns. St. 1890, 347 § 5.

SECT. 115 amended. No license shall be granted for Sunday exhibitions. St. 1895, 434 § 3. (See 1894, 353.)

An act to prevent immoral shows and entertainments. St. 1896, 339.

SECTS. 115-127. Provision for licensing skating rinks. St. 1885, 196. And picnic groves. St. 1885, 309. (See 1887, 445.)

Admission of children to places of amusement regulated. St. 1887, 446.

SECTS. 116-119. Municipal, district and police courts have jurisdiction under these sections. St. 1887, 293.

SECT. 124. Rate and manner of payment for these licenses changed. St. 1882, 258. (See 1894, 180.)

Fee for pawnbrokers' license established in certain cases. St. 1895, 497 § 2.

Hawking and peddling, gaming, horse-racing and shows are restricted. St. 1887, 445. (See 1885, 309.)

Chapter 103. — Of the District and Other Police.

The laws relating to the inspection department of the district police are revised. St. 1894, 481. (See 1888, 113, 389, 399, 426; 1891, 302, 357 § 6; 1892, 318; 1893, 111, 199, 387; 1894, 337, 341; 1898, 167, 366, 483.)

Provision for a reserve police force in certain cities. St. 1896, 314.

Special officers appointed in an emergency must be residents of the State St. 1892, 413. Duties of special district police officers defined. St. 1898, 483.

Tenure of police officers regulated in certain cities. St. 1890, 319.

Police matrons required in certain cities. St. 1887, 234; 1888, 181.

Pensions are provided for in certain cities. St. 1887, 178; 1892, 353, 378; 1893, 51; 1898, 172.

The district police may enforce fish and game laws. St. 1897, 288.

SECT. 1. Number of district police increased. St. 1885, 131; 1887, 256; 1888, 389; 1891, 357 § 6; 1894, 281, 481; 1895, 310, 396, 418 § 8; 1898, 261. (See 1885, 158; 1888, 426 § 13; 1891, 302; 1893, 387; 1898, 433 § 28.)

The requirement of an examination by a justice is repealed. St. 1885, 186. (See 1884, 190.)

SECT. 3. Clerks provided in chief's office and their salaries fixed. St. 1890, 137; 1892, 249; 1898, 219. Boston. St. 1897, 320.

SECT. 5. Salaries fixed. St. 1887, 127; 1892, 128.

SECT. 7. Private detectives may be licensed in cities of 12,000 inhabitants. St. 1898, 486.

SECT. 10. Duties of inspectors extended. St. 1887, 218; 1888, 149 § 3, 316, 399, 426; 1891, 357; 1895, 136 § 3, 144 § 3, 418, 471; 1896, 546; 1897, 288; 1898, 167, 483, 494 § 8. (See 1882, 266 § 6; 1885, 326; 1887, 219, 226; 1888, 207, 389; 1890, 438; 1891, 261; 1892, 318; 1893, 387; 1894, 441.)

An appeal is given from certain orders of inspectors. St. 1890, 438; 1891, 261.

SECT. 11 is repealed. St. 1894, 481. (See 1886, 260 § 3; 1890, 83; 1893, 111; 1898, 320.)

SECTS. 13-20. Railroad police shall be sworn. Tenure of office regulated. St. 1883, 65. (See 1890, 440 § 9; 1898, 282.) Street railway police provided for. St. 1895, 318. An act relative to evidence of appointment of railroad and steamboat police. St. 1896, 225.

Chapter 104. — Of the Inspection of Buildings.

An act to authorize the establishment of a building line on public ways. St. 1893, 462; 1896, 313; 1897, 379.

The height of buildings in cities is restricted. St. 1891, 355. And on parks and boulevards. St. 1896, 313; 1897, 379.

SECTS. 1-14, 21, 22 and 24 are repealed and the erection and construction of buildings to be used for certain public purposes are regulated. St. 1894, 382, 481, 508. (See 1882, 208, 266; 1883, 173, 251; 1884, 52, 223; 1885, 326; 1886, 173; 1887, 103 § 3, 173, 218; 1888, 113, 207, 305, 316;

1890, 83, 90, 179, 307, 438; 1892, 419; 1893, 111, 199, 387; 1894, 337, 341; 1895, 368.)

Building law for Boston. St. 1892, 419; 1893, 170, 293, 297, 464; 1894, 257, 443; 1895, 97, 239, 280, 314; 1896, 416, 520; 1897, 175, 265, 300, 310, 413; 1898, 209, 228, 308. (See 1888, 316; 1893, 199; 1898, 268, 284.) Public lodging-houses in Boston regulated. St. 1894, 414. (See 1883, 251 § 2; 1888, 426; 1892, 410.)

SECTS. 4-12. Provision made for inspection and proceedings under these sections. St. 1888, 149, 316, 399, 426; 1890, 438; 1891, 261. (See 1892, 419.) And for inspection of certain steam boilers. St. 1895, 418; 1898, 167. (See 1893, 387; 1894, 481; 1895, 471; 1898, 261.) Of plumbing. St. 1888, 105; 1893, 477; 1894, 455; 1895, 453. And gas-fitting in Boston. St. 1897, 265.

SECT. 6. Provision for appointment of officers where there is no engineer. St. 1888, 399 § 4.

SECT. 8. Appeal given from orders of district police inspectors. St. 1894, 481. (See 1890, 438; 1891, 261.)

SECT. 12. Superior court given concurrent jurisdiction. St. 1891, 293.

SECTS. 13-24. In manufacturing establishments run by steam the engineer's room must, if required by inspector, have means to communicate with machinery rooms, and to control the power. St. 1886, 173; 1890, 179.

The placing of traversing machinery in cotton factories is regulated. St. 1896, 343.

SECT. 14. Extended to mercantile and public buildings. St. 1882, 208.

The use of elevators is further regulated. St. 1882, 208; 1883, 173; 1890, 90.

SECTS. 15-20 are repealed and the provisions for precautions against fire are revised and extended. St. 1882, 251; 1884, 223; 1888, 86, 426; 1894, 382, 481 §§ 24-41, 46. (See 1882, 266; 1884, 52; 1888, 207, 316, 399, 426; 1890, 307, 378; 1892, 419; 1893, 199; 1894, 341, 454; 1895, 228, 368, 418; 1898, 268.)

SECT. 19. See St. 1884, 52; 1894, 481 § 53.

SECT. 20. As to construction of buildings to be used as theatres, see St. 1888, 207, 426; 1894, 382, 481 § 53.

Provision for securing proper sanitary precautions in school-houses, factories and workshops. St. 1894, 508. (See 1887, 103 § 3, 173, 218; 1888, 149, 305; 1891, 261.)

SECT. 23 is revised. St. 1887, 276. (See 1882, 266 § 4; 1887, 219; 1888, 426.)

SECT. 24 is made to apply to sections 16 to 21. St. 1882, 266 § 5.

Chapter 105.—Of Certain Powers, Duties and Liabilities of Corporations.

Change of name of corporations subject to provisions of chapters 106-119 provided for. St. 1891, 360; 1892, 198, 201. (See 1891, 257; 1895, 104; 1896, 523.)

An act to authorize certain corporations to surrender their certificates of incorporation. St. 1898, 502.

Assuming name of another corporation, or a similar name, is restricted. St. 1891, 257. (See 1888, 413 § 27, 429 § 2.)

Conditions prescribed for foreign corporations doing business here. St. 1882, 106; 1883, 74; 1884, 330; 1886, 230; 1889, 393; 1890, 329; 1891, 341; 1894, 381, 476, 541; 1895, 157, 311; 1896, 391; 1897, 423. (See 1887, 214 §§ 77-88, 91, 92; 1888, 321, 429 § 13; 1889, 356, 427, 452; 1890, 197, 199, 304, 310, 321, 329; 1891, 275, 368, 403; 1892, 129; 1893, 303; 1894, 522 §§ 77-91; 1896, 286.)

Certain foreign corporations may hold real estate. St. 1888, 321; 1895, 387. (See 1884, 330.)

Penalties for fraud of officers and stockholders extended to foreign corporations doing business here. St. 1895, 157. And liability for debts and contracts. St. 1896, 391.

Issuing obligations to be redeemed in numerical or arbitrary order of precedence, is prohibited. St. 1891, 382.

Provision for insolvency proceedings by or against certain foreign corporations. St. 1890, 321.

Laws relative to composition in insolvency apply to Massachusetts stock corporations. St. 1897, 247.

Safe deposit, loan and trust companies are subject to the duties, restrictions and liabilities set forth in this chapter. St. 1888, 413. (See 1887, 89, 225; 1889, 342, 452; 1890, 315; 1892, 327; 1893, 114; 1894, 274; 1896, 423.)

SECT. 8 is amended. St. 1898, 336.

SECTS. 14, 15 are repealed, but officers may be removed for previous violations of section 14. St. 1889, 222.

SECTS. 18, 19 are repealed, and the issue of stock or scrip dividends by certain corporations is prohibited. St. 1894, 350.

SECT. 20. Issue of new stock and bonds by certain quasi-public corporations regulated. St. 1886, 346 § 3; 1887, 366; 1894, 450, 452, 462, 472, 476, 501, 502, 543; 1896, 409, 473, 544 § 3; 1897, 337.

SECT. 21. Stockholder may require list of stockholders filed in office of secretary of the Commonwealth. St. 1889, 222 § 3.

SECT. 24. No record is necessary for the transfer of stock. St. 1884, 229.

SECT. 28. See St. 1884, 268, 330; 1888, 321; 1889, 393; 1890, 321; 1894, 384.

SECTS. 41-44. See St. 1898, 502 § 2.

SECT. 42. The time limit is stricken out. St. 1884, 203. Attachment of property is dissolved by appointment of receiver. St. 1898, 420.

Certain claims shall be preferred in settlements by receivers. St. 1897, 400.

Chapter 106. — Of Manufacturing and Other Corporations.

Corporations created under this chapter may issue special stock, to be held by their employees only. St. 1886, 209.

Manufacturing corporations may support free beds in hospitals for use of their employees. St. 1889, 258.

SECTS. 3, 4, 51. Corporations governed by these sections may change their business under section 51. St. 1885, 310. (See 1898, 503, 504.)

SECT. 6 *et seq.* Corporations to examine and guarantee titles of real estate are authorized and regulated. St. 1884, 180; 1887, 214 §§ 62, 63. And for the cremation of the dead. St. 1885, 265. (See 1886, 101 § 4; 1888, 306 § 2; 1894, 437.)

SECTS. 7, 8, 13, 14. Par value of shares regulated. St. 1894, 500.

SECT. 11 extended to hydrostatic and pneumatic pressure for mechanical power. St. 1891, 189; 1893, 397.

SECTS. 11, 52, 75 extended to gas for heating, cooking, chemical and mechanical purposes. St. 1885, 240.

SECT. 13 extended to include buildings for manufacturing and mechanical purposes. St. 1888, 116.

SECT. 17. Method established for change of name of corporations subject to provisions of chapters 82, 106–119, and acts amendatory thereof. St. 1891, 360; 1892, 198, 201; 1895, 104; 1896, 523. (See 1891, 257.)

SECT. 26. Provisions as to treasurers' bonds. St. 1896, 346.

SECT. 27. Clause as to proxy or attorney casting more than fifty votes is repealed. St. 1888, 188. (See 1889, 222.)

SECT. 31. See St. 1898, 503 § 1.

SECT. 34 *et seq.* Increase of stock of certain quasi-public corporations regulated. St. 1886, 346 § 3; 1887, 366; 1894, 350, 450, 452, 462, 472, 476, 501, 502, 543; 1896, 409, 473, 544 § 3; 1897, 337. (See 1890, 371.)

SECTS. 39–41 are repealed. St. 1894, 472.

SECT. 50. Certain foreign corporations may hold real estate here. St. 1888, 321; 1895, 387. (See 1884, 330.)

SECTS. 51, 52. Gas companies may be authorized to furnish electric light and power. St. 1887, 385. (See 1885, 240.) Fee for filing certificate fixed. St. 1895, 169. (See 1896, 523.)

SECT. 54 extended to foreign corporations having usual places of business in this Commonwealth. St. 1891, 341; 1894, 541; 1895, 157, 311. (See 1884, 330.)

SECTS. 54, 55, 59, 81, 82, 84. All corporations, with certain exceptions, are subject to these sections and must make the certificates and return therein required. St. 1887, 225; 1890, 199; 1891, 341; 1894, 541; 1895, 157, 311; 1896, 369. (See 1884, 330; 1889, 224.) Auditors' provided for. St. 1897, 492; 1898, 64.

Any stockholder may require a list of stockholders to be filed. St. 1889, 222 § 3.

The certificates are deemed to be recorded by the act of filing. They are to be preserved in book form. St. 1890, 199.

SECT. 59 is amended. Changes in par value of shares and in business must be approved by commissioner of corporations. St. 1898, 503, 504.

SECT. 60 is amended. A sixth clause added. St. 1898, 266.

SECTS. 60–71 apply to foreign corporations. St. 1896, 391; 1897, 423. (See 1895, 311; 1897, 247.)

SECTS. 62–71 apply to mortgage loan and investment, and safe deposit, loan and trust companies. St. 1888, 387 § 11, 413 § 14.

SECTS. 75, 76 amended. St. 1896, 544.

SECT. 75 *et seq.* A board of gas and electric light commissioners is established, and the business of the companies is regulated. St. 1885, 240,

314; 1886, 250, 346; 1887, 382, 385; 1888, 350, 428; 1889, 169, 373; 1890, 252; 1891, 370; 1892, 67, 259, 263, 274; 1893, 454; 1894, 182, 299, 316, 327, 432, 448, 450, 501, 533, 538; 1895, 228, 330, 350, 420; 1896, 356, 426, 473, 480, 544; 1898, 499. (See 1891, 189; 1894, 503; 1898, 366.) Actions of tort authorized against gas and electric light companies for loss of life by negligence. St. 1897, 416.

Pneumatic pressure is included. St. 1896, 544.

SECT. 81. See St. 1891, 341; 1894, 541; 1897, 492.

SECT. 84. Fee for filing and recording certificates changed. St. 1895, 169; 1896, 523.

Chapter 107. — Of Swine Slaughtering Associations.

SECT. 2 is amended. St. 1886, 101 § 4. (See 1891, 360; 1892, 198, 201; 1896, 523; 1898, 433 § 28.)

Chapter 108. — Of Canal and Bridge Corporations.

See St. 1891, 360; 1892, 198, 201; 1895, 104; 1896, 523.

Chapter 109. — Of Companies for the Transmission of Intelligence by Electricity.

This chapter, except sections 16 and 18, applies to lines for electric light. St. 1883, 221. (See 1891, 360; 1892, 198, 201; 1895, 104; 1896, 523.)

The erection and use of wires for telegraph, telephone and electric lighting are regulated. St. 1883, 221; 1884, 302, 306; 1885, 267, 380; 1887, 382, 385; 1889, 398, 434; 1890, 404; 1891, 370; 1892, 274; 1893, 274, 454; 1894, 182, 299, 316, 327, 432; 1895, 228, 330, 350, 420; 1896, 356, 426, 473, 480, 544. (See 1888, 350.) As to Boston, see 1894, 454; 1895, 228 § 2; 1898, 268.

Provisions for security against accidents from electric wires. St. 1890, 404; 1895, 228; 1898, 268.

Action of tort authorized against electric light company for loss of life by negligence. St. 1897, 416.

SECT. 4 amended. Abutters may have damages for erection or alteration of telegraph, telephone and electric light and power lines along highways. St. 1884, 306. (See 1884, 302.)

SECT. 7. At least half must be paid in in cash. St. 1893, 274.

New issue of stock and bonds regulated. St. 1890, 371; 1894, 450, 452, 472, 476; 1896, 473. (See 1894, 501.) Stock or scrip dividends prohibited. St. 1894, 350.

SECT. 10. Telephone companies must furnish service without discrimination. St. 1885, 267.

Telegraph companies are made liable to amount of \$100 for damages caused by negligence in transmitting messages. St. 1885, 380.

SECTS. 12, 15. Wires may not be put on another's property without his consent. St. 1884, 302. (See 1884, 306.)

Electric light or power companies are authorized to mortgage property to secure bonds. St. 1890, 371; 1894, 501.

SECT. 16. See St. 1895, 330.

Chapter 110.—Of Aqueduct Corporations.

See St. 1891, 360; 1892, 198, 201; 1895, 104; 1896, 523.

Payment and returns of capital stock regulated. St. 1894, 380.

SECT. 2 is amended. St. 1897, 496 § 6. (See 1898, 168.)

SECTS. 7, 8 are repealed and issue of stock and bonds regulated. St. 1894, 452, 472, 476. (See 1894, 350.)

Chapter 111.—Of Proprietors of Wharves, General Fields and Real Estate Lying in Common.

SECT. 4 is amended. A sworn return is required. St. 1897, 496 § 7. (See 1891, 360; 1892, 198; 1896, 523.)

Chapter 112.—Of Railroad Corporations and Railroads.

See St. 1891, 360; 1892, 198, 201; 1895, 104; 1896, 523.

The operation of railroads by electricity is authorized. St. 1892, 110.

State inspection of tracks, equipment, etc., is provided for. St. 1894, 535.

Railroad corporations are required to issue mileage tickets which shall be accepted on all railroad lines in the State. St. 1892, 389.

The issuing of tickets free or at less than usual rates to members of the legislature, the executive, the judiciary and certain others is forbidden. St. 1892, 59.

Railroad companies may join relief societies of employees. St. 1886, 125. (See 1882, 244; 1887, 270 § 6; 1890, 181.)

Provision for elevated railways in and near Boston. St. 1894, 548, 550; 1897, 500. (See 1890, 368.)

Provision for compensation for joint occupancy of stations and grounds. St. 1893, 142. (See 1896, 516; 1898, 248.)

Conditional sales and leases of equipment and rolling stock are regulated. St. 1894, 326. Leases and consolidations must be approved by railroad commissioners. St. 1894, 506.

SECTS. 7, 8. See St. 1897, 500 § 19.

SECT. 9. Assistant clerk allowed. St. 1895, 313.

SECTS. 10-12. Salaries fixed: Clerk; St. 1885, 119. Assistant clerk; 1895, 313. Accountant; 1885, 164. Salaries are to be paid monthly. St. 1885, 224. Allowance made for books, maps and incidentals. St. 1890, 200. (See 1894, 535 § 8; 1896, 302; 1897, 376 § 4.)

SECT. 14. Powers of the commissioners increased. St. 1882, 162, 265 § 1; 1883, 117; 1885, 110, 334; 1886, 120; 1888, 240; 1890, 382; 1891, 129, 204; 1892, 171, 228; 1893, 142, 210 § 2, 315; 1894, 41, 462, 469, 472, 502, 506, 535, 543; 1895, 136, 316, 362, 378. (See 1896, 409; 1898, 366.)

They may authorize running of steamboats on Sundays. St. 1897, 389. (See 1887, 391 § 3.)

SECTS. 21, 26. Returns and statements regulated. St. 1889, 328; 1893, 131. (See 1889, 241.)

SECT. 34. The commissioners must certify that public convenience and necessity require the construction, before organization of a railroad company under the general law. St. 1882, 265 § 1.

SECT. 38 *et seq.* No steam railroad may be located within three miles of the State House except on certain conditions. St. 1882, 265 § 4. (See 1884, 279.)

Railroad corporations may change their locations to improve the alignment of their roads. St. 1887, 430. (See 1882, 149; 1884, 134.)

SECTS. 42-44. See St. 1898, 578 § 27.

SECT. 44. The proceedings are void unless certificate of incorporation is issued within one year from the time when the route is fixed. St. 1882, 265 § 2.

SECT. 52. Street railways shall be subject to provisions of this section. St. 1897, 99.

SECT. 54. Clause prohibiting the casting of more than fifty votes by a proxy or attorney is repealed. St. 1888, 188. (See 1889, 222.)

SECT. 56. Delivery of written transfer sufficient. St. 1884, 229.

SECTS. 58, 59, 60. Issue of capital stock and bonds regulated. St. 1887, 366; 1894, 462, 472, 502; 1897, 337. (See 1893, 315; 1894, 476.) Stock or scrip dividends prohibited. St. 1894, 350.

SECT. 62. The bonds may run fifty years. St. 1887, 191. (See 1883, 7.)

SECTS. 62-73. A purchaser under a valid foreclosure and his grantees and successors have the same powers and duties as the original corporation. St. 1886, 142.

SECTS. 63-70. Street railway companies may issue bonds, and these sections shall apply. St. 1889, 316; 1892, 192. (See 1897, 337.)

SECT. 81 *et seq.* Returns and statements regulated. St. 1889, 328; 1893, 131. (See 1889, 241.)

SECT. 82 is applied to street railway companies. St. 1892, 254.

SECT. 89. Time of notice to and filing of location by railroad corporations under St. 1878, 135 § 1, is changed. St. 1882, 149. (See 1896, 78.)

SECT. 91 is revised. Land may be taken outside of the location for one or more tracks, subject in some cases to certain conditions. St. 1884, 134. (See 1882, 149; 1887, 430.) Locations of lands purchased may be filed. St. 1895, 356; 1896, 78.

SECT. 115. The power to exempt from the duty to fence is transferred to the railroad commissioners. Proceedings to revoke exemptions regulated. St. 1882, 162.

SECT. 117 *et seq.* No right of way across any railroad track or location in use for railroad purposes shall be acquired by prescription. St. 1892, 275. Crossing tracks at grade by street railway restricted. St. 1895, 426. (See 1898, 404.)

SECTS. 117-138. Wood which obstructs view at crossings may be cut. St. 1889, 371. These sections are not affected by St. 1891, 170.

Provision is made for the abolition of grade crossings. St. 1885, 194; 1887, 295; 1890, 428; 1891, 33, 123, 262; 1892, 312; 1893, 424; 1894, 216; 1895, 103, 426; 1896, 439; 1897, 264; 1898, 200, 404, 538. (See 1882, 135; 1890, 382; 1891, 170 § 5; 1892, 178, 228; 1893, 283; 1894, 545; 1895, 491.)

Railroad companies must maintain crossings to give access to lands cut off by their road-beds. St. 1892, 171.

SECTS. 127, 169. The commissioners may forbid or regulate the occupation of street crossings. St. 1885, 110; 1890, 382; 1892, 228; 1895, 426.

SECTS. 128, 148, 160. Provision is made for examination of railroad bridges. St. 1887, 334. And tracks, equipments, etc. St. 1894, 535; 1897, 376.

SECTS. 129-132 amended. St. 1885, 194; 1887, 295. (See 1882, 135.)

SECTS. 129-134. P. S., ch. 51, applies to alterations of ways at railroad crossings. St. 1884, 280. (See 1890, 428 § 12.)

SECT. 131 amended. St. 1885, 194 § 4; 1887, 295. (See 1890, 428 § 12; 1893, 283; 1894, 545; 1895, 103; 1896, 439; 1897, 264.)

SECT. 138. Appeal provided from decision of the county commissioners. St. 1882, 135. (See 1885, 194 § 6; 1890, 428 § 12; 1892, 171.)

SECT. 139. Clause forbidding branches within eight miles of the State House is stricken out. St. 1884, 279. (See 1882, 265 § 4.)

SECT. 148. Railroad drawbridges over Charles river regulated. St. 1889, 246; 1890, 118. (See 1887, 334.)

SECTS. 148-150. Extended to drawbridge over Fort Point channel in Boston. St. 1893, 357.

SECTS. 156, 157. See St. 1893, 142; 1896, 516; 1898, 248.

SECT. 159. Frogs, switches and guard rails must be blocked to the approval of the railroad commissioners. St. 1886, 120; 1894, 41.

SECT. 160. See St. 1887, 334.

SECT. 161. Provision made for interlocking or automatic signals at railroad crossings. St. 1885, 85. (See 1888, 240.)

SECT. 163 *et seq.* The commissioners may forbid or regulate locomotive whistles at highway crossings. St. 1885, 334. (See 1890, 173.) And may recommend changes in making up freight trains and sounding whistles. St. 1891, 204. (See 1891, 129.)

At least three separate and distinct blasts of the whistle are required at crossings. St. 1890, 173.

SECTS. 164-166. The railroad commissioners may require gates, flags or electric signals at highway crossings. St. 1883, 117; 1888, 240. And signals at crossings above grade. St. 1891, 129. (See 1892, 228.)

SECT. 169 is extended to receivers and assignees of railroad corporations. St. 1895, 173.

SECT. 170. Locomotive boilers must be tested. St. 1882, 73.

Certain safety appliances are required on freight cars. St. 1884, 222; 1895, 362. (See 1886, 242; 1894, 59; 1897, 491.)

SECT. 171. Additional tools and safeguards against fire required. St. 1882, 54. (See 1887, 362; 1891, 249.)

SECT. 172. The heating of passenger cars is regulated. St. 1887, 362; 1891, 249.

SECT. 179. The requirement of an examination for color blindness every two years is repealed. St. 1883, 125.

SECT. 180. Interchangeable mileage tickets are required. St. 1892, 389. Extra fare paid on trains regulated. St. 1883, 32.

SECTS. 181-183. Railroad corporations shall not require women or chil-

dren to ride in smoking cars. St. 1888, 176. A car in motion is a train under St. 1887, 270 § 1 cl. 3. St. 1897, 491.

SECT. 187 *et seq.* Transportation and delivery of intoxicating liquors in no-license towns regulated. St. 1897, 271.

SECT. 188. Extended to freight charges. St. 1882, 225. (See 1882, 94.) And to express business on railroad and steamboat lines. St. 1894, 469.

SECTS. 192-194 are revised. St. 1893, 210.

SECT. 195 *et seq.* As to railroad police, see St. 1883, 65; 1896, 225; 1898, 282.

SECT. 204. The maximum penalty for placing obstructions on railroad tracks is increased. St. 1890, 332.

SECT. 205. The unlawful use, removal or tampering with the tools, etc., required to be carried on passenger trains is made an offence. St. 1882, 54 § 2.

SECT. 206. See St. 1895, 318.

SECT. 207. Word "electric" stricken out. St. 1884, 5.

SECT. 212. Employees are included under this section. St. 1883, 243. They may sue for damages. St. 1887, 270; 1888, 155; 1892, 260; 1893, 359; 1894, 499; 1897, 491. (See 1883, 243; 1888, 365; 1889, 154; 1894, 469 § 3; 1895, 362 § 7; 1896, 302.)

SECT. 214 is amended. St. 1895, 293.

SECT. 216. See St. 1893, 142.

SECTS. 223, 224. When their consent is required the commissioners may regulate tracks at crossings by a railway for private use. St. 1890, 382.

Chapter 113. — Of Street Railway Companies.

Provision for extension of franchises of street railway companies. St. 1896, 501.

The law as to street railways is revised. St. 1898, 578. (See St. 1891, 360; 1892, 198, 201; 1895, 104; 1896, 523.)

Street railway companies shall be subject to provisions of Pub. Sts., ch. 13 §§ 38-41, 53-66. St. 1898, 417.

Provisions for contracts or leases between companies for transportation over connecting lines. St. 1897, 213. And for purchase and consolidation of lines. St. 1897, 213. (See 1897, 500.)

Provision for rapid transit in Boston and vicinity. St. 1893, 481; 1894, 548; 1895, 440; 1896, 492; 1897, 500. (See 1890, 368; 1891, 365; 1892, 424; 1896, 516; 1898, 578.)

This chapter applies to companies using the cable system. St. 1886, 337 § 4.

Liability for injuries regulated. St. 1886, 140; 1887, 270; 1888, 155, 365; 1889, 154; 1892, 260; 1893, 359; 1894, 499; 1895, 362 § 7; 1896, 302; 1897, 491; 1898, 578 § 11.

An action of tort may be brought against street railway corporations for loss of life. St. 1886, 140.

Street railway companies may issue mortgage bonds in certain cases and Pub. St., ch. 112 §§ 63-70, apply. St. 1889, 316; 1892, 192.

They may join relief societies of employees. St. 1890, 181. (See 1882, 244; 1886, 125; 1887, 270 § 6.)

May acquire and hold real estate for pleasure resorts. St. 1895, 316. And for avoiding grade crossing with railroads. St. 1898, 404.

Conditional sales and leases of rolling stock regulated. St. 1894, 326. Leases and consolidations must be approved by railroad commissioners. St. 1894, 506. (See 1897, 213.)

A day's work for certain employees defined. St. 1894, 508 § 9. (See 1893, 386.)

SECTS. 2-6. See St. 1898, 578 § 13.

SECTS. 7, 21-24, 32, 44, 45 are repealed. St. 1898, 578 § 26.

SECT. 8 amended. St. 1898, 578 § 27.

SECT. 10. Street railway companies shall be subject to provisions of Pub. St., ch. 112 § 52. St. 1897, 99.

SECT. 12. Clause as to proxy, etc., casting more than fifty votes repealed. St. 1889, 210. (See 1888, 188; 1889, 222.)

SECTS. 13-18. Further provisions made as to increase and reduction of capital stock, and issue of bonds. St. 1886, 337 § 3; 1887, 366; 1890, 326; 1894, 462, 472, 476, 543; 1895, 316 § 3; 1896, 409; 1897, 337. (See 1893, 315.) Stock or scrip dividends prohibited. St. 1894, 350.

SECT. 15 amended. St. 1887, 366; 1896, 409.

SECT. 16 repealed. St. 1893, 315. But see St. 1894, 472 § 3.

SECT. 19 *et seq.* See St. 1890, 368; 1894, 548, 550.

SECT. 22 extended to Massachusetts highway commission. St. 1896, 541.

SECT. 27 *et seq.* Children under ten shall not be permitted to enter cars to sell newspapers, etc. St. 1889, 229. This section is repealed as to removal of ice and snow. St. 1898, 578 § 26.

Fenders and wheel guards provided for. St. 1895, 378. (See 1890, 364; 1891, 366.) And enclosed front platforms. St. 1897, 452. And street railway police. St. 1895, 318. (See 1896, 225.) And street sprinklers. St. 1897, 315. And inspection of tracks, equipments, etc. St. 1897, 376. (See 1898, 404, 578 § 15.)

SECT. 39. Cable system may be used. St. 1886, 337. (See 1887, 413 § 4; 1888, 278.) Electric system authorized in Boston. St. 1887, 413 § 4; 1890, 454 § 12. Elevated railway authorized. St. 1890, 368; 1894, 548; 1897, 500. Street cars may be used for carrying snow, ice, gravel, street sweepings, etc. St. 1898, 328. (See 1898, 578 §§ 12, 18.)

SECTS. 40, 41. Street railways shall not cross railroads at grade unless by consent of the railroad commissioners or special commissioners. St. 1895, 426. (See 1885, 110; 1890, 382; 1892, 228; 1898, 404.)

SECT. 43. Railroad commissioners may require additional accommodations for the travelling public. St. 1891, 216. Shall require cars to be heated at certain times. St. 1895, 136.

SECT. 46 *et seq.* See St. 1887, 413; 1890, 454. Free transfer checks may not be discontinued without consent of railroad commissioners. St. 1894, 383.

SECT. 48 *et seq.* One company may not use tracks of another company unless authorized by the railroad commissioners. St. 1888, 278. (See 1886, 337 § 2; 1887, 413; 1894, 506; 1896, 501; 1897, 213, 269.)

SECT. 58. Companies are required to contribute to expense of printing and binding their annual returns. St. 1892, 254.

SECT. 63. Superior court given concurrent jurisdiction. St. 1891, 293.

Chapter 114. — Of Agricultural and Horticultural Societies.

Corporations organized under this chapter may be authorized to improve public grounds. St. 1885, 157. (See 1891, 360; 1892, 198, 201; 1895, 104; 1896, 523; 1897, 254.)

Inspection of concentrated commercial feed stuffs is provided for. St. 1897, 117.

Provision is made for a bounty for sugar from beets or sorghum cane. St. 1883, 189. And for bounties to chartered poultry associations. St. 1895, 351.

“Arbor day” established. Res. 1886, 32.

SECT. 1. The restriction is modified. St. 1890, 297.

An agricultural society receiving a bounty can sell or mortgage its real estate only on certain conditions. St. 1890, 274.

SECT. 2. Time of filing certificate changed. The board may require other returns. St. 1891, 124.

SECT. 18 is amended. A sworn return is required. St. 1897, 496 § 8.

SECT. 20 *et seq.* Entering or driving a horse that is disguised or different from the one purported to be entered, etc., to compete for a purse or premium is punishable. St. 1892, 167.

Provision made for assignment of police officers at exhibitions. St. 1892, 180.

Registration of pedigrees of horses used for breeding purposes provided for. St. 1890, 334. (See 1887, 143.)

Chapter 115. — Of Associations for Charitable, Educational and Other Purposes.

Provision for change of purpose of incorporation. St. 1898, 504.

Provision made for incorporation of labor and trade organizations. St. 1888, 134. (See 1892, 330.) And textile schools. St. 1895, 475.

And for formation of relief societies of railroad, steamboat and street railway employees, in which the companies may join. Their funds are not attachable. St. 1882, 244; 1886, 125; 1890, 181. (See 1887, 270 § 6; 1891, 360; 1892, 198, 201; 1895, 104; 1896, 523.)

The consolidation of masonic mutual relief associations is authorized. St. 1887, 140.

The incorporation of clubs is regulated. St. 1890, 439; 1893, 226; 1894, 542. (See 1887, 206.)

No corporation organized for medical purposes under this chapter shall confer degrees. St. 1883, 268. (See 1893, 355.)

The provisions of this chapter apply to churches incorporated under St. 1887, 404.

Provision for sale of church and trust property by order of supreme judicial court. St. 1897, 462.

SECTS. 2, 7. See St. 1896, 96; 1897, 97.

SECT. 3. Increase of stock and par value of shares regulated. St. 1888, 177; 1890, 191. (See 1888, 429.)

SECTS. 3-5. Corporations may be formed for life and casualty insurance on the assessment plan. St. 1890, 421; 1892, 435; 1894, 367; 1895, 104, 281, 340. (See 1885, 183; 1887, 214 §§ 2, 3; 1888, 429; 1898, 502.)

SECTS. 8-12 repealed, and law as to fraternal beneficiary organizations revised. St. 1894, 367; 1895, 104, 340; 1896, 102, 136; 1898, 425 § 6, 433 § 28, 474. (See 1882, 195; 1884, 330; 1885, 183; 1887, 140; 1888, 429; 1890, 341, 400, 421; 1891, 163, 257, 360; 1892, 40, 198, 201, 435; 1893, 47, 321, 418; 1894, 60, 328, 381, 522 § 3; 1895, 104, 281; 1896, 515, 523; 1898, 504.)

Chapter 116. — Of Savings Banks and Institutions for Savings.

This chapter is repealed and the laws relating to institutions for savings are revised and consolidated. St. 1894, 317; 1895, 164; 1896, 178, 193, 231, 327, 361; 1897, 109, 262, 362; 1898, 148, 184, 425 § 6, 433 § 28, 567. (See 1882, 50, 77, 148, 200; 1883, 52, 127, 134, 248, 258; 1884, 72, 150, 168, 253; 1885, 92, 111, 124, 210, 348; 1886, 69, 77, 93, 176, 252, 300; 1887, 113, 196, 319; 1888, 40, 51, 53, 90, 96, 120, 127, 170, 213, 250 § 2, 301 § 6, 355; 1889, 77, 86, 88, 91, 161, 180, 305, 321, 449, 452; 1890, 44, 168, 222, 298, 330, 369, 394, 406; 1891, 171, 360, 403; 1892, 198, 201, 248; 1893, 174, 230, 254; 1895, 104; 1896, 171, 523; 1898, 366, 420.)

Provisions as to bonds of officers and employees. St. 1896, 361; 1898, 247 § 1.

Additional expert and clerical assistance provided for. St. 1895, 66. (See 1897, 362.)

Occupation of same rooms by savings banks and national banks restricted. St. 1898, 567.

Chapter 117. — Of Co-operative Savings Fund and Loan Associations.

The title of this chapter and name of associations changed to "Co-operative Banks." St. 1883, 98. (See St. 1891, 360; 1892, 198, 201; 1895, 104; 1896, 523.)

The business of co-operative banking is regulated. St. 1882, 251; 1883, 98; 1885, 121; 1887, 216; 1889, 159, 452; 1890, 63, 78, 243, 310; 1891, 403; 1894, 342; 1895, 171, 172; 1896, 277, 285, 286, 327, 361; 1897, 161; 1898, 247.

The business may not be carried on here in name of a co-operative bank unless incorporated here. St. 1889, 452; 1896, 286. (See 1890, 310; 1891, 403.)

Provisions as to bonds of officers and employees. St. 1896, 361; 1898, 247 § 1.

The capital stock, corporate franchise and personal estate of co-operative banks are exempted from taxation. St. 1890, 63.

SECT. 1. The consent of the savings bank commissioners is required for the formation of co-operative banks. St. 1890, 243.

SECT. 5. Co-operative banks must provide a guaranty fund. St. 1885, 121 § 2.

The limit of capital refers to the capital paid in on shares. St. 1887, 216 § 1.

SECT. 6. One person may be secretary and treasurer. St. 1885, 121 § 1.

SECT. 8. The mode of retiring shares is determined and their value. St. 1887, 216 § 2. (See 1882, 251.)

SECT. 9 is revised. St. 1898, 247 § 3. (See 1882, 251 § 1; 1887, 216 § 5.)

SECT. 10 is revised. St. 1896, 277. (See 1890, 78.) Interest may be bid instead of a premium. St. 1882, 251 § 2.

SECT. 13 is amended and new provisions made as to the security. St. 1889, 159 § 1; 1894, 342. (See 1896, 277.)

SECT. 14. Provision for partial payments. St. 1887, 216 § 4.

SECT. 15. Fines limited. See St. 1895, 172. Withdrawal value to be ascertained at time of forfeiture, instead of time of default. St. 1896, 285.

SECT. 16 is revised. St. 1882, 251 § 1; 1885, 121 § 4.

SECT. 17. As to officers' bonds, see St. 1896, 361; 1898, 247 § 1.

SECT. 18. See St. 1885, 121 § 2.

SECT. 19 is revised. St. 1898, 247 § 2.

SECT. 20. See St. 1889, 159 § 2; 1891, 403; 1895, 171; 1896, 286, 327.

Chapter 118.—Of Banks and Banking.

Foreign banking corporations doing business here shall indicate on their signs, letter heads, etc., the name of the State or country in which they are chartered. St. 1890, 329. (See 1891, 360; 1892, 198, 201; 1895, 104; 1896, 523.)

The incorporation and conduct of safe deposit, loan and trust companies are regulated. St. 1887, 89; 1888, 413; 1889, 342, 452; 1890, 315, 329; 1892, 327; 1893, 114; 1894, 274; 1896, 423; 1897, 304; 1898, 425 § 6. (See 1887, 225; 1896, 369; 1898, 433 § 28.)

And of mortgage loan and investment companies. St. 1888, 387; 1889, 427, 452; 1890, 329; 1891, 233, 275, 341; 1893, 303; 1895, 311. (See 1896, 391; 1897, 423.)

A commissioner of foreign mortgage corporations is established. St. 1889, 427; 1891, 275; 1893, 303.

The occupation of same rooms by national banks and savings banks is restricted. St. 1898, 567.

SECT. 30 *et seq.* As to time of presentment of negotiable instruments. See St. 1885, 210; 1894, 333, 427; 1895, 201, 415; 1896, 228, 496; 1898, 533.

Chapter 119.—Of Insurance Companies and Insurance.

This chapter is repealed and the insurance laws revised and codified. St. 1894, 522; 1895, 46, 59, 81, 104, 159, 190, 263, 271, 366, 474; 1896, 124, 126, 137, 140, 171, 253, 270, 335, 402, 447, 448, 470, 515; 1897, 62, 63, 64, 65, 66, 67, 118, 186, 197, 357; 1898, 53, 54, 178, 380, 474, 537. (See 1882, 195; 1883, 33, 107, 126, 235, 258; 1884, 55, 58, 119, 120, 177, 178, 180, 217, 235, 296; 1885, 183, 241, 300, 308, 354; 1886,

187, 222; 1887, 214, 283; 1888, 84, 141, 151, 154, 165; 1889, 356, 378; 1890, 26, 247, 304; 1891, 195, 233, 289, 291, 360, 368, 382; 1892, 47, 198, 201, 372; 1893, 54, 117, 224, 434; 1894, 19, 103, 120, 133, 137, 147, 225, 300, 381, 442, 444 § 7; 1895, 104, 281; 1896, 178, 523; 1898, 148, 160, 184, 366; 1898, 420.)

Insurance against loss by bombardment is authorized. St. 1898, 380.

An act to prevent over-insurance. St. 1898, 571.

Standard form of fire policy. St. 1894, 522 § 60; 1895, 59 §§ 3, 4. (See 1896, 140.)

Employment of an actuary authorized. St. 1895, 81. And an examiner. St. 1896, 335.

No life policy shall be issued without previous examination by a registered physician. St. 1895, 366. (See 1894, 522 §§ 68-73.)

Disposal of certain unclaimed funds of insolvent companies regulated. St. 1890, 330. (See 1883, 258; 1886, 300.)

Agents of domestic companies must be registered. St. 1895, 46; 1897, 64.

SECT. 2. Salary of insurance commissioner established. St. 1890, 247; 1894, 522 § 4.

SECT. 29. See St. 1894, 133 § 2.

SECTS. 117 to 130 apply to existing mutual marine and fire and marine companies. St. 1894, 522 § 53.

SECT. 145. Life and casualty insurance on the assessment plan is regulated. St. 1890, 421; 1892, 435; 1896, 515. (See 1885, 183.)

Moneys to be paid by life or casualty insurance companies doing business on the assessment plan are made not attachable. St. 1890, 421 § 23. (See 1885, 183 § 11; 1887, 214 § 73; 1892, 372.)

The organization and business of fraternal beneficiary associations are regulated. St. 1894, 367; 1895, 104, 340; 1896, 102, 136; 1897, 228; 1898, 425 § 6, 474. (See 1882, 195; 1885, 183; 1887, 140, 214; 1888, 429; 1890, 341, 400, 421; 1891, 163, 233, 360; 1892, 40, 198, 201, 435; 1893, 47, 321, 418; 1894, 60, 328, 522 § 3; 1895, 104, 281; 1896, 523; 1898, 433 § 28.)

SECT. 186. Certain veterans exempted from payment of fees for certificate to act as insurance broker. St. 1895, 159. (See 1894, 522 § 93; 1895, 59 § 2; 1896, 448.)

SECT. 201. See St. 1887, 214 § 80; 1889, 356; 1891, 195; 1894, 522 § 80; 1895, 474 § 2.

Chapter 120.—Of the Alienation of Real Estate.

An act to provide for registering and confirming titles to land. St. 1898, 562.

SECT. 1 *et seq.* The recording of an instrument affecting title is made conclusive evidence of delivery. St. 1892, 256. (See 1898, 562 § 19.)

An act to simplify the proof of attested instruments. St. 1897, 386.

Form of execution and acknowledgment of deeds, etc., established. St. 1894, 253; 1895, 460.

A conveyance otherwise valid shall be effectual notwithstanding disseizin or adverse possession. St. 1891, 354.

SECT. 4. Office copies of records may be recorded in another county or district where part of the land lies. St. 1889, 448.

A mortgage is declared invalid against an assignee in insolvency in certain cases. St. 1888, 393.

SECT. 6. Authority of magistrates out of the State must be properly certified to. St. 1894, 253 § 3.

SECT. 15. Provision for construction of words importing a want or failure of issue. St. 1888, 273.

SECT. 19 *et seq.* Sale of estate subject to vested remainder may be authorized. St. 1895, 183; 1897, 136.

Additional provisions for appointment of guardians *ad litem* or next friends of persons under disability or not ascertained. St. 1896, 456; 1897, 522.

SECT. 28. As to entries for breach of condition. See St. 1898, 514.

Chapter 121.—Of Estates for Years and at Will.

See Land Registration Act. St. 1898, 562.

Chapter 122.—Of Easements.

No right of way across a railroad location in use for railroad purposes shall be acquired by prescription. St. 1892, 275. (See 1898, 562.)

Chapter 124.—Of the Rights of a Husband in the Real Estate of his Deceased Wife, and the Rights of a Wife in that of her Deceased Husband.

SECT. 1. Words "If his wife does not otherwise provide by will," in sixth and seventh lines, and word "intestate," in eighth line, stricken out. St. 1885, 255; 1887, 290.

SECT. 17 is amended. St. 1889, 234; 1894, 170.

Chapter 125.—Of the Descent of Real Estate.

SECTS. 3-5. See St. 1895, 427; 1896, 499; 1898, 562 §§ 92, 93.

SECT. 4. If the mother also is dead, the estate descends to the persons entitled by inheritance through her. St. 1882, 132.

Chapter 126.—General Provisions concerning Real Estate.

An act to provide for registering and confirming titles to land. St. 1898, 562.

Conditions or restrictions affecting title or use of real estate, unlimited as to time, shall be construed as limited to thirty years, except in certain cases. St. 1887, 418.

Provisions relative to entries for breach of conditions in deeds. St. 1898, 514.

Provision made for proceedings to determine validity, nature and extent of certain conditions, restrictions, etc., on real estate. St. 1889, 442; 1890, 427; 1897, 522; 1898, 457. (See 1882, 237; 1885, 283; 1893, 340.)

Construction placed on words importing want or failure of issue St. 1888, 273.

SECTS. 5, 6. A conveyance or device to a husband and wife creates a tenancy in common unless otherwise expressed. St. 1885, 237.

SECT. 13 extended to judgments and decrees. St. 1892, 289; 1898, 562 § 80. And to use or occupation of buildings on the real estate. St. 1897, 463.

SECT. 14. See St. 1898, 562 § 81.

Chapter 127.—Of Wills.

SECT. 7. See St. 1889, 435.

SECT. 8. Marriage shall act as a revocation, except in certain cases. St. 1892, 118.

SECT. 13. See St. 1898, 562 § 92.

SECT. 26. See St. 1891, 354.

SECT. 33. See St. 1883, 223.

SECT. 34 repealed so far as it applies to probate courts. St. 1891, 415.

Chapter 129.—Of the Probate of Wills and the Appointment of Executors.

Provision for appointment of a judge or register of probate as executor in certain cases. St. 1898, 69.

The probate of a will is made conclusive in certain cases after two years. St. 1889, 435.

SECTS. 1, 2. Petitions for probate must be sworn to by petitioner. St. 1891, 414.

SECT. 5. See St. 1893, 379; 1894, 527.

Chapter 130.—Of the Appointment of Administrators.

SECTS. 1, 2. Petitions for letters testamentary must be sworn to by petitioner. St. 1891, 414. (See 1897, 447.)

Provision made for granting administration without notice in certain cases. St. 1885, 260. And to any suitable person. St. 1890, 265.

For appointment of a judge or register of probate as administrator in certain cases. St. 1898, 69.

A decree of intestacy is made conclusive in certain cases after two years. St. 1889, 435.

Provision for settlement of estates of persons who have been absent and unheard from for more than fourteen years. St. 1897, 447.

SECTS. 2, 8. Administrators may be allowed to give bond without sureties in certain cases. Failure to give a new bond when required shall be considered a resignation. St. 1885, 274. Failure to file bond within thirty days after appointment shall be considered declination of the trust. St. 1898, 458. (See 1893, 379.)

SECT. 4. Administration may be granted for cause upon particular property more than twenty years after the person's death. St. 1889, 192. (See 1885, 242.)

SECT. 9. Administrator de bonis may be appointed to distribute unclaimed funds. St. 1890, 408 § 2.

SECTS. 10-17. Special administrator may be allowed to pay expenses of executor in proving the will. St. 1884, 291. (See 1884, 131.) And such debts of deceased as the probate court may approve. St. 1897, 199.

An act relating to special administrators. St. 1898, 414. (See 1893, 372.)

Chapter 131.—Of Public Administrators.

SECT. 18. Time for presenting claims under this section limited. St. 1883, 264.

Chapter 132.—General Provisions relative to Executors and Administrators.

Provision for administration of estates of persons who have been absent and unheard from for more than fourteen years. St. 1897, 447.

Probate courts given jurisdiction in equity in administration of estates of deceased persons. Proceedings regulated. St. 1891, 415.

Executors or administrators may provide for perpetual care of burial lots. St. 1897, 321. May sue for damages for death of testator or intestate caused by negligence of a person or corporation or their employees. St. 1898, 565.

A judge of probate may be appointed in another county executor or administrator of a person deceased in his own county in certain cases. St. 1898, 69.

SECTS. 1-4. Provisions as to the proof of notice are revised. St. 1888, 148, 380; 1889, 315. (See 1888, 420.)

SECT. 6. One appraiser may be appointed when deemed advisable. St. 1897, 147. (See 1896, 210.)

SECTS. 8, 13. No foreign executor or administrator shall receive his letter until the appointment of resident agent is properly made. St. 1893, 118. (See 1889, 462; 1890, 420.)

Failure to file bond within thirty days shall be considered a declination of trust. St. 1898, 458. And failure to file a new bond when required shall be considered a resignation. St. 1885, 274.

Chapter 134.—Of Sales and Mortgages of Real Estate by Executors and Administrators.

Executors and administrators may be licensed to sell at private sale. St. 1886, 137. (See 1898, 562 § 93.)

Real estate appraised at \$1,500 or less may be sold for purposes of distribution. St. 1890, 266.

SECT. 13. Change in method of proof of notice. St. 1888, 148, 380; 1889, 315. (See 1888, 420.)

SECT. 19 extended to intestate estates. St. 1895, 140.

Chapter 135.—Of Allowances to Widows and Children and of the Distribution of the Estates of Intestates.

SECT. 3, cl. 3. When a married woman dies leaving issue, the husband is entitled to one-half of the personal estate. St. 1882, 141.

Cl. 5. If intestate leaves a widow and no kindred, the widow is entitled to the whole of the residue. St. 1885, 276.

Chapter 136.—Of the Payment of Debts, Legacies and Distributive Shares.

Executor or administrator may provide for perpetual care of burial lot. St. 1897, 321.

Certain payments made without order of court may be afterwards approved. St. 1894, 303. Special administrators may pay such debts as the probate court may approve. St. 1897, 199.

SECT. 19 *et seq.* Where a legatee is a minor without a guardian, court may order the legacy to be deposited in a savings bank under P. S., ch. 144 § 16. St. 1889, 185. (See 1885, 376.)

Provision made for a State tax of five per cent. on collateral legacies and successions, and on grants to take effect after death of grantor in estates exceeding \$10,000. St. 1891, 425; 1892, 379; 1893, 432; 1895, 307, 430; 1896, 108.

Real estate appraised at \$1,500 or less may be sold for distribution. St. 1890, 266.

Distribution of unclaimed funds may be ordered by the court in certain cases. St. 1890, 408. And of legacies. St. 1895, 134.

Act relative to the distribution of trust estates. St. 1898, 65. (See 1897, 447.)

Chapter 139.—Of Guardianships.

Additional provisions for appointment of guardians *ad litem* or next friends. St. 1896, 456; 1897, 522. On an appeal from appointment of a guardian the court may appoint a temporary guardian. St. 1897, 135. (See 1887, 332; 1888, 290; 1890, 261 § 3; 1891, 415 § 3.)

As to time of filing bond. See St. 1885, 274; 1898, 458.

SECTS. 1-3. Certain corporations are authorized to be guardians of minors. St. 1885, 362; 1890, 117.

Provision for appointment of conservators of property of aged persons unable to care therefor. St. 1898, 527.

SECTS. 2-4. The probate court may require parents to contribute to support of their minor children under guardianship. St. 1891, 358.

SECT. 5 amended. Approval of court required. St. 1898, 138.

SECT. 8 is revised. St. 1897, 173.

SECT. 16 is extended to married women who are minors. St. 1890, 259.

SECT. 29 *et seq.* Guardians residing out of the State must appoint an agent here. P. S., ch. 132 §§ 11-13, apply to them. St. 1889, 462; 1893, 118. (See 1890, 420; 1894, 128.)

Chapter 140.—Of Sales and Mortgages of Real Estate by Guardians.

SECT. 3. Guardian may be licensed to lease the ward's real estate. St. 1894, 128. (See 1896, 456.)

SECT. 18 is extended to any interest in real estate. St. 1885, 258.

Chapter 141.—Of Trusts.

See land registration act. St. 1898, 562 §§ 65-69.

Probate courts have jurisdiction in equity over trusts created by will. St. 1891, 415. (See 1898, 65.)

SECTS. 4-11. Foreign trustees must have an agent here. The provisions of P. S., ch. 132 §§ 11-13, apply. St. 1889, 462; 1893, 118. (See 1890, 420.)

SECT. 13 *et seq.* Provision for one appraiser only in certain cases. St. 1897, 147. (See 1896, 210.)

SECT. 16 is revised. Trustee may be exempted from furnishing surety on request of parties interested. St. 1891, 339. As to time of filing bond, see St. 1885, 274; 1898, 458.

SECT. 21. See St. 1896, 456; 1897, 522.

SECT. 23 is extended to other improvements. St. 1889, 66.

SECT. 27 is extended to trusts created under any written instrument. St. 1892, 116.

Act relative to the distribution of trust estates. St. 1898, 65.

Chapter 142.—General Provisions relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, Administrators, Guardians and Trustees.

A foreign guardian or trustee must have an agent here. P. S., ch. 132 §§ 11-13, apply. St. 1889, 462; 1893, 118. (See 1890, 420; 1894, 128.)

SECT. 12. See St. 1893, 379.

SECT. 14 is extended to administrators with the will annexed. Those claiming as legatees or devisees whose interests are affected are to be made parties. St. 1889, 266.

SECT. 18. See St. 1897, 447 § 7.

SECT. 23 is extended. Defective acts or proceedings may be ratified or confirmed. St. 1888, 420.

Provision in case of failure to file affidavit of notice of sale. St. 1889, 315. (See 1888, 148, 380.)

Chapter 143.—General Provisions relative to Bonds of Executors, Administrators, Guardians and Trustees.

Failure to file bond within thirty days shall be considered a declination of trust. St. 1898, 458. And failure to file a new bond when required shall be considered a resignation. St. 1885, 274. Judges may approve bonds in any place. St. 1898, 131. (See 1894, 377; 1898, 69.)

Fidelity insurance companies may act as sureties. St. 1894, 522 §§ 29, 61. (See 1884, 296; 1885, 241; 1886, 233; 1887, 214 §§ 29, 61; 1893, 117.)

SECT. 10 *et seq.* Wife of a judge of probate may be defendant in a suit on a bond given to him or his predecessor as such judge. St. 1896, 208.

SECT. 19. Suit shall be brought in superior court. St. 1897, 131.

SECT. 23. See St. 1893, 396 § 14.

Chapter 144. — Of the Accounts and Settlements of Executors, Administrators, Guardians and Trustees.

Certain payments made without order of the court may be approved. St. 1894, 303. (See 1897, 199, 321.)

Form of accounts regulated. St. 1895, 210.

SECT. 8. Money paid with the approval of the judge for procuring surety on the bond may be allowed. St. 1886, 233. (See 1887, 214 §§ 29, 61.)

Bequests to executors in excess of a reasonable compensation are liable to the State legacy tax. St. 1891, 425 § 3

SECTS. 13, 14 are revised. St. 1895, 288. (See 1889, 466.)

SECT. 16. Legacies to persons whose residence is unknown, and to minors without guardians, may be deposited. St. 1885, 376; 1889, 185. (See 1893, 379.) Also property of an absent person whose residence is unknown in certain cases. St. 1894, 203; 1898, 65. (See 1895, 134; 1897, 447.)

The amount which may be deposited and draw interest is not limited. St. 1894, 317 § 20. (See 1889, 86, 449.)

Provision is made for final distribution of deposits by the probate court in certain cases. St. 1889, 449 § 2; 1890, 408.

SECTS. 17, 18. Provisions for guardians *ad litem* or next friends in certain cases. St. 1896, 456; 1897, 135, 522.

Chapter 145. — Of Marriage.

SECTS. 4, 14. Marriages made in good faith, one of the parties believing that a former husband or wife is dead or divorced, are made valid when the impediment is removed, and the children are legitimated. St. 1895, 427; 1896, 499.

SECT. 11 is extended to residence here for five years unless libellant removed here for the purpose. St. 1886, 36.

SECTS. 11, 15. The superior court has exclusive original jurisdiction under these sections. St. 1887, 332.

SECT. 16. The marriage of minors is regulated. St. 1894, 401, 409 § 4. Additional provisions relative to notices and certificates. St. 1894, 409; 1897 424, 444.

SECTS. 22, 27. Duly authorized clergymen and licensed and certified Israelitish rabbis may solemnize marriages anywhere in this State. St. 1894, 409 § 5; 1896, 306 § 4. (See 1893, 461; 1897, 424 § 5, 444.)

SECT. 24. The returns shall be preserved and arranged for reference. St. 1887, 202 § 3.

Change made in form of record and returns. St. 1892, 300. (See 1897, 424, 444.)

SECTS. 25, 26 are revised. St. 1896, 306.

SECT. 31. See St. 1896, 445.

Chapter 146. — Of Divorce.

Provision is made for returns of statistics of divorce. St. 1882, 194.

The superior court has exclusive original jurisdiction of all cases of divorce and nullity and validity of marriages. St. 1887, 332.

SECT. 1. Divorce may be decreed for gross and confirmed drunkenness caused by the use of opium or other drugs. St. 1889, 447. And for any legal cause, notwithstanding an absence which would raise a presumption of death. St. 1884, 219.

SECT. 10 is amended. 1890, 387; 1898, 487. When adultery is charged the alleged *particeps criminis* may contest. St. 1890, 370.

SECT. 19. All decrees shall become absolute after six months unless court has otherwise ordered. St. 1893, 280. (See 1882, 223; 1893, 194.)

SECTS. 42-44. Procuring a fraudulent divorce; advertising, by one not a member of the bar, the business of procuring divorces; and unlawfully issuing certificates of divorce, are made offences. St. 1886, 342; 1887, 320; 1891, 59.

Chapter 147. — Of Certain Rights and Liabilities of Husband and Wife.

A wife has right of interment in any tomb or lot which her husband owned during coverture. St. 1883, 262. (See 1885, 302; 1892, 165.)

SECT. 1. A wife cannot, without his written consent, destroy or impair her husband's life estate in one-half her lands where there is no issue. St. 1889, 204. (See 1884, 301; 1885, 255; 1887, 290.)

SECT. 3 is revised. Nothing contained in the preceding section shall authorize such transfer. St. 1884, 132.

SECT. 6 extended to the case where there is no issue, and exception is made if the wife is living apart for cause approved by the court. St. 1885, 255; 1887, 290. (See 1884, 301; 1898, 562 § 19.)

SECT. 11 amended. Married woman shall not carry on business in her husband's name. St. 1898, 416.

SECT. 16 *et seq.* Provision is made for a release of the courtesy by the guardian of an insane husband. St. 1886, 245.

SECT. 20. The notice shall be such as the court may order. St. 1890, 105.

SECTS. 31-33, 36. The probate court has exclusive original jurisdiction under these sections and the appeal is to the superior court. St. 1887, 332 §§ 2, 3. (See 1882, 270; 1884, 210; 1885, 176; 1888, 290; 1890, 261; 1891, 415 § 3; 1893, 262; 1895, 116; 1897, 135.)

Provision for receivers of estates of absent persons whose address is unknown, having a wife or child dependent on them for support. St. 1894, 203.

SECT. 36. Probate courts may require parents to contribute to support of children under guardianship. St. 1891, 358.

Chapter 148.—Of the Adoption of Children and the Change of Names.

Adoption of pauper and illegitimate children regulated. St. 1891, 194; 1892, 318. (See 1882, 270; 1889, 309, 416; 1895, 310.)

SECT. 3 is amended. St. 1886, 101 § 4; 1898, 433 § 28.

SECT. 6. See St. 1897, 228.

SECTS. 12-14. A list of names changed, ordered published. St. 1884, 249; 1893, 191.

SECT. 14. The registers shall make the returns. St. 1897, 89.

Chapter 149.—Of Masters, Apprentices and Servants.

SECT. 8. See St. 1894, 508 § 49; 1895, 428 § 3; 1898, 394, 396.

SECT. 10. See St. 1896, 288, 382.

Chapter 150.—Of the Supreme Judicial Court.

The care and custody of the Suffolk county court house is given to the justices of the supreme judicial court. St. 1894, 453.

SECT. 3. The court may compel witnesses summoned by other tribunals to appear and testify. St. 1883, 195; 1898, 374.

SECT. 4. County commissioners added. St. 1897, 224.

SECT. 5. See St. 1886, 203; 1891, 180, 293, 379, 419; 1892, 169, 435; 1895, 419 § 2; 1896, 388.

Exclusive original jurisdiction is given to the superior court in cases of divorce and nullity of marriages. St. 1887, 332 § 1. Of capital crimes. St. 1891, 379. And of petitions for partition and writs of entry. St. 1892, 169.

Appeals on petitions under sections 31-33 and 36 of chapter 147 are to superior court. St. 1887, 332 § 3. (See 1888, 290; 1890, 261; 1891, 415 § 3; 1895, 116; 1897, 135.)

SECT. 7. Questions for the full court may be heard in any county. St. 1892, 127. (See 1886, 223; 1896, 413.)

SECT. 14. Further provisions in cases of frivolous appeals and exceptions. St. 1883, 223 § 15.

SECT. 16. When appeal or exceptions are not entered, the court below may affirm the judgment. St. 1888, 94. (See 1882, 239; 1895, 153; 1896, 451.)

SECTS. 18-20, 24, 26-29 repealed. St. 1891, 379. (See 1890, 374; 1893, 394; 1895, 372.)

SECTS. 21, 22, 23 and 25 are repealed. St. 1886, 339. (See 1891, 379.)

SECT. 30 *et seq.* Terms are abolished, return days changed and practice further regulated. St. 1885, 384; 1886, 223; 1887, 383; 1890, 374, 420 § 2; 1892, 127, 169; 1893, 61. (See 1882, 264 § 2; 1883, 223; 1884, 316; 1887, 347.)

The law term for Worcester is changed. St. 1885, 48. And for Bristol, Dukes and Nantucket. St. 1891, 287.

SECT. 32. See St. 1889, 173.

SECT. 39. Salaries fixed and allowance made for travelling expenses. St. 1892, 104. (See 1888, 274 § 1; 1892, 59; 1893, 327.)

Pensions are provided for. St. 1885, 162. And clerical assistance. St. 1891, 89. (See 1893, 327.)

Chapter 151. — Of the Supreme Judicial Court Equity Jurisdiction.

The equity jurisdiction is extended. St. 1884, 154 § 1, 285; 1887, 380; 1888, 316; 1891, 383; 1892, 435; 1897, 462; 1898, 463 § 4, 578 § 25.

SECTS. 5-7. Practice regulated and forms established. St. 1883, 223; 1884, 316; 1885, 384; 1887, 383; 1893, 61. (See 1889, 442; 1890, 427; 1891, 383; 1892, 289, 440; 1893, 340; 1896, 426; 1897, 522; 1898, 397.)

SECT. 20. See St. 1893, 61.

SECT. 23. See St. 1885, 384 § 3; 1886, 223; 1892, 127; 1896, 413.

SECT. 27 amended. St. 1895, 116. (See 1883, 223 § 16.)

Chapter 152. — Of the Superior Court.

SECT. 1. The number of justices is increased. St. 1896, 526. (See 1886, 31; 1888, 58; 1892, 271.)

SECT. 2. Provision for sessions by two or more justices in capital cases. St. 1894, 204. (See 1891, 379.) And without a jury in certain actions at law. St. 1891, 227. And for hearings and orders in cases pending in other counties. St. 1886, 223. (See 1896, 413.)

SECTS. 3-6. Jurisdiction extended and practice regulated. St. 1883, 223; 1884, 304, 316; 1885, 384; 1887, 332, 380, 383; 1890, 154, 374; 1891, 227, 293, 362, 383; 1892, 169, 435, 440; 1893, 61; 1895, 116; 1897, 490; 1898, 432, 578 § 25. (See 1882, 239; 1887, 246, 347; 1888, 114; 1889, 442; 1890, 398, 427; 1893, 340, 396 § 12; 1894, 175, 431; 1896, 388, 401, 413, 426; 1897, 522; 1898, 425 § 4, 457, 490.)

The court may compel witness summoned by another tribunal to attend. St. 1883, 195; and to testify; 1898, 374.

May appoint probation officers, and may place accused persons on probation. St. 1898, 511 § 1.

Separate equity docket required in Middlesex and Suffolk. St. 1892, 440.

Exclusive original jurisdiction given in causes of divorce and nullity of marriage. St. 1887, 332 § 1. (See 1894, 409 § 7; 1895, 116.) And of capital crimes. St. 1891, 379; 1894, 204. (See 1893, 324, 365, 394.) And of petitions for partition and writs of entry. St. 1892, 169. And certain matters relating to telegraph and telephone wires. St. 1891, 293.

Jurisdiction is given of certain appeals from the probate courts. St. 1887, 332 § 3. (See 1888, 290; 1890, 261; 1891, 415 § 3; 1895, 116; 1897, 135.) And of claims against the Commonwealth. St. 1887, 246.

SECTS. 7, 8. The right to remove actions and petitions for partition under these sections is taken away. St. 1892, 169. (See 1885, 384 § 14; 1891, 227.)

SECT. 11 repealed. St. 1892, 105.

SECT. 17. Changes in sessions: Barnstable; St. 1891, 175. Bristol; 1888, 314; 1891, 287 § 2. Dukes; 1889, 308. Essex; 1896, 412. (See

1885, 191; 1889, 461; 1895, 256.) Franklin; 1898, 355. (See 1889, 327.) Hampden; 1885, 27. Middlesex; 1892, 391. Norfolk; 1889, 287. Worcester; 1894, 118, 169. (See 1882, 264 § 2; 1891, 227 § 3.)

Provision for speedy trials in Suffolk in certain cases. St. 1894, 283, 547; 1897, 381.

SECT. 18. Changes in adjourned sessions: Essex; St. 1889, 461. Plymouth; 1885, 134.

Terms are abolished and return days changed. St. 1885, 384.

Petitions for damages for land taken by any town in Nantucket or Dukes may be brought in Bristol. St. 1887, 50. (See 1885, 384 § 1.)

SECTS. 19-23 repealed and new provisions made for criminal business. St. 1897, 490.

SECT. 24 is repealed. St. 1887, 183.

SECT. 28. Provision made for pensions. St. 1887, 420.

Salaries are fixed and allowance made for travelling expenses. St. 1892, 328. (See 1882, 205; 1888, 274; 1892, 59.)

Chapter 153. — Of Matters Common to the Supreme Judicial Court and the Superior Court.

SECT. 3. See St. 1886, 224.

SECT. 4. The superior court may regulate publication and distribution of trial lists. St. 1896, 401. (See 1889, 459; 1893, 372; 1896, 413; 1898, 411.)

Provision made for postponement, etc., of cases on the trial lists. St. 1884, 304; 1890, 154, 451. (See 1889, 459; 1890, 420.)

SECTS. 6-8. See St. 1891, 227; 1893, 61. Provisions relative to new trials and reduction of verdicts. St. 1897, 472. And for hearings and orders in cases pending in other counties. St. 1886, 223; 1896, 413.

SECT. 8. Time for filing exceptions extended. Presiding justice may require a transcript of the evidence and instructions to the jury. St. 1895, 153; 1896, 451. (See 1888, 94; 1890, 127.)

SECTS. 10, 13. Provisions for proving exceptions when the disability or death of the justice prevents his signing them. St. 1894, 412. (See 1882, 239.)

SECT. 12 repealed. St. 1895, 469 § 4. (See 1891, 362.)

SECT. 14. See 1887, 332 § 3; 1888, 290; 1890, 261; 1895, 116; 1897, 135.

SECT. 15. Clerks shall furnish to the attorney-general printed copies of exceptions and reports in cases in which the Commonwealth is interested. St. 1890, 374. Or in which the attorney-general appears for the Commonwealth. St. 1895, 372.

SECT. 22. See St. 1896, 413.

SECT. 23. The original vouchers of bills must be delivered with the orders. St. 1890, 206. (See 1890, 204; 1895, 482; 1896, 357; 1897, 129, 153.)

SECTS. 24, 25. See St. 1882, 264 § 2; 1886, 223; 1896, 413; 1897, 525 § 3.

Chapter 154. — Of the Police, District and Municipal Courts.

The laws relating to district and police courts are revised and consolidated. St. 1893, 396; 1894, 142, 173, 398, 431; 1895, 245; 1896, 220, 388; 1897, 180, 245, 349, 431; 1898, 204, 488, 549. (See 1882, 95; 1884, 188; 1885, 45, 132, 149, 322; 1887, 293; 1888, 180, 285, 352, 415; 1890, 225, 256, 359, 440 §§ 8–11; 1892, 148, 268; 1893, 385; 1897, 387, 529; 1898, 411, 489, 496 § 32.)

Provision made for hearings before all the justices. St. 1894, 173; 1896, 220.

An act to provide an equitable process after judgment in certain cases. St. 1898, 549.

Payment of interpreters and of witnesses from without the Commonwealth allowed in criminal cases. St. 1893, 385.

SECTS. 1, 2. Police and district courts are established, as follows: First and second, of Barnstable; St. 1890, 177. Fourth, Berkshire; 1895, 176. Brockton; 1885, 155. Brookline; 1882, 233. (See 1898, 214.) Dukes County; 1898, 287. East Boston, district; 1886, 15. Second, Essex; 1888, 193. Franklin; 1896, 353. Western Hampden; 1886, 190. Hampshire; 1882, 227. Marlborough; 1882, 233. Third and fourth, eastern Middlesex; 1882, 233. Northern Norfolk; 1898, 478. Southern Norfolk; 1891, 273. Western Norfolk; 1898, 497. First, northern Worcester; 1884, 215. As to East Norfolk, see 1898, 381.

SECT. 2. Courts abolished: East Boston, municipal; St. 1886, 15. Cambridge, police; 1882, 233. First, Plymouth; 1885, 155. (See 1895, 176.)

Judicial districts changed: Northern Berkshire; St. 1895, 176. Brockton; St. 1887, 322. East Boston; 1882, 146. (See 1886, 15.) Gloucester; 1888, 249; 1897, 403. First, eastern Middlesex; 1888, 59; 1898, 250. Fourth, eastern Middlesex; 1888, 59; 1889, 312; 1898, 250. First, southern Middlesex; 1882, 169. Central and second, eastern Worcester; 1896, 240; 1897, 401.

SECTS. 4, 25. See St. 1882, 43; 1885, 132; 1890, 204, 440; 1893, 396; 1897, 245.

SECTS. 5, 6. Clerks given: Fourth, Berkshire; St. 1895, 176. Southern Berkshire; 1886, 333. (See 1884, 231.) Brookline; 1888, 60. Chelsea; 1882, 176. Chicopee; 1891, 78. Franklin; 1896, 353. Eastern Hampden; 1896, 337. Hampshire; 1883, 80. Lowell (assistant); 1889, 152. Second, eastern Middlesex; 1883, 97. Third, eastern Middlesex (assistant); 1897, 260. (See 1893, 370.) Northern Norfolk; 1898, 478. Southern Norfolk; 1891, 273. Western Norfolk; 1898, 497 § 3. First, southern Worcester; 1898, 369.

Clerical assistance allowed: Second, Bristol; St. 1889, 62. Third, Bristol; 1897, 263. Lawrence; 1898, 286. Lowell; 1888, 246; 1889, 152. Lynn; 1898, 331. First, eastern Middlesex; 1889, 317. Springfield; 1896, 331. Central Worcester; 1895, 260.

Clerks and justices of courts having no clerks must deposit public moneys beyond what is required for immediate use. St. 1890, 215. (See 1890, 294.)

SECT. 8. See St. 1888, 352; 1893, 396 § 67; 1894, 142, 431; 1895, 245.

SECTS. 11-22. See St. 1885, 149, 322; 1887, 293; 1888, 114, 419 § 12; 1892, 188 § 5; 1893, 172 § 4, 396 §§ 12, 17, 34-43, 571; 1894, 173, 398, 431; 1895, 404, 419; 1896, 388; 1897, 180, 349, 431; 1898, 548 §§ 304-310; 559.

Jurisdiction given in naturalization proceedings. St. 1885, 345; 1886, 45, 203; 1891, 180, 419; 1892, 348. (See 1884, 298 § 38; 1888, 257 § 4; 1893, 376, 417 § 237.)

Provision for probation of accused persons and for probation officers. St. 1891, 356. (See 1891, 427; 1892, 242, 276; 1894, 229, 368, 372; 1897, 266; 1898, 511.)

SECT. 23. Sessions changed: Northern Berkshire; St. 1884, 266. Hampshire; 1883, 75; 1889, 122. (See 1882, 227; 1883, 80.) First, eastern Middlesex; 1893, 350. Northern Worcester; 1888, 212.

SECTS. 23, 25. See St. 1884, 188; 1893, 396 § 56; 1894, 142, 173; 1896, 220; 1897, 431.

SECT. 24 extended. Certification and audit of expenses regulated. St. 1890, 440 § 11; 1891, 70. (See 1893, 396 §§ 1, 9, 49; 1897, 245.)

SECT. 25. See St. 1892, 268; 1893, 396 § 55.

SECT. 26. Travelling expenses allowed to special justice in Hampshire. St. 1884, 205. (See 1885, 40; 1894, 142, 173, 431; 1895, 245; 1896, 396 § 66.)

SECT. 27 *et seq.* See St. 1886, 13; 1888, 285, 415; 1890, 359; 1893, 396 §§ 46, 59, 64.

SECT. 30. Fac-simile of clerk's signature may be used on certain processes. St. 1886, 13. (See 1885, 321; 1893, 396 §§ 58, 64.)

SECT. 34 in part repealed. St. 1890, 204.

SECTS. 34, 35. A controller of accounts is provided for, and method of accounting regulated. St. 1887, 438; 1888, 275; 1890, 204, 216, 380, 440; 1893, 257, 270; 1894, 183; 1895, 143; 1896, 128. (See 1886, 169.)

Funds not required for immediate use must be deposited. St. 1890, 215. (See 1887, 438 § 5; 1890, 216.)

Apportionment of fines in certain cases. St. 1891, 416. (See 1890, 440 § 5.)

SECT. 36. Payment of witness fees regulated. St. 1888, 180; 1890, 440 § 8; 1891, 392; 1893, 396 § 9. (See 1893, 385.)

SECT. 37. Fees and costs are regulated in certain cases. St. 1888, 180; 1890, 256, 353, 440; 1891, 325; 1892, 200; 1893, 396 §§ 9-11; 1898, 204. (See 1892, 231, 268; 1893, 385, 396 § 55.)

SECT. 38. No court fees shall be allowed or taxed in criminal cases. St. 1890, 256. Bond to be examined annually by controller of county accounts. St. 1893, 257.

SECT. 39 *et seq.* Appeals regulated. St. 1893, 396 §§ 24-32, 49. (See 1882, 95; 1885, 384 § 3; 1886, 223; 1890, 224, 440 § 10; 1894, 173 § 1; 1896, 355.)

SECT. 42 *et seq.* The justices may act for each other in certain cases. St. 1882, 43; 1885, 132; 1893, 396 § 63. May sentence or commit to house of industry instead of to house of correction or jail. St. 1895, 224.

SECT. 48. See St. 1894, 398; 1896, 393 § 13.

St. 1893, 396, applies to these courts, except the municipal court of the city of Boston. St. 1894, 431. (See 1894, 142, 173, 398; 1896, 220; 1897, 180, 349.)

The municipal court of East Boston is abolished, and East Boston district court established. St. 1886, 15. (See 1882, 146.)

Clerks and clerical assistance provided for: East Boston; St. 1886, 15. South Boston; 1887, 327. Brighton; 1894, 363. Charlestown; 1889, 206. Dorchester; 1885, 79; 1897, 397. West Roxbury; 1887, 274.

SECT. 55. Number of justices increased. St. 1882, 41; 1888, 419 § 11; 1894, 308; 1896, 234.

SECT. 57. Two special justices. St. 1896, 234. Compensation increased. St. 1897, 360.

SECT. 58. Assistant clerks and clerical assistance provided for. St. 1883, 47; 1885, 42 § 2, 137 § 2; 1888, 419 § 13; 1889, 170; 1893, 371; 1895, 125; 1897, 183. (See 1890, 440 §§ 5, 6; 1891, 236, 392, 416.)

SECTS. 59, 60. Jurisdiction extended. St. 1894, 431 § 2. (See 1895, 224, 419; 1896, 220, 536 § 7; 1897, 180, 349, 387, 529.)

Probation officers provided for. St. 1891, 356; 1892, 242; 1894, 368, 372; 1897, 266. (See 1892, 276; 1894, 229.)

SECT. 62. Additional sessions by special justices provided for. St. 1885, 42 § 1. When he acts he must state in the record the fact which gives him jurisdiction. St. 1892, 268.

SECT. 63 revised. St. 1895, 457; 1898, 254. (See 1893, 396 § 62.)

SECT. 64. Salaries of justices fixed: First and second Barnstable; St. 1890, 177. Central Berkshire; 1887, 190. Northern Berkshire; 1898, 216. (See 1884, 266 § 3; 1887, 61 § 1.) Southern Berkshire; 1884, 231. Fourth Berkshire; 1898, 460. (See 1895, 176.) Boston; 1887, 163. (See 1882, 41 § 2.) East Boston; 1892, 100. (See 1886, 15.) South Boston; 1889, 242. Brighton; 1885, 49. First Bristol; 1889, 261. (See 1884, 220.) Second Bristol; 1891, 108. Third Bristol; 1898, 429. (See 1889, 54.) Brockton; 1885, 155. Brookline; 1884, 211. (See 1882, 233 § 6.) Charlestown; 1891, 160. (See 1889, 227.) Chelsea; 1894, 470. Dorchester; 1885, 79. Dukes County; 1898, 287. First Essex; 1882, 245. Second Essex; 1888, 193. Fitchburg; 1889, 97. Franklin; 1896, 353. (See 1882, 245.) Gloucester; 1897, 324. (See 1888, 234.) Eastern Hampden; 1889, 130. Western Hampden; 1886, 190. Hampshire; 1883, 75. (See 1882, 227; 1883, 80; 1884, 205.) Haverhill; 1882, 245. Holyoke; 1886, 151. Lawrence; 1893, 479. (See 1888, 110.) Lee; 1894, 373. Lowell; 1893, 479. (See 1886, 307.) Lynn; 1891, 162. (See 1886, 154.) Marlborough; 1892, 93. (See 1882, 233.) Central Middlesex; 1890, 238. First eastern Middlesex; 1893, 479. (See 1882, 245; 1886, 166.) Second eastern Middlesex; 1897, 390. (See 1882, 245; 1886, 123.) Third eastern Middlesex; 1898, 358. (See 1882, 233.) Fourth eastern Middlesex; 1897, 358. (See 1882, 233; 1893, 479.) First northern Middlesex; 1889, 198. First southern Middlesex; 1889, 12. Newburyport; 1882, 245. Newton; 1898, 362. (See 1890, 93; 1893, 479.) East Norfolk; 1889, 263. Northern Norfolk; 1898, 478. Southern Norfolk; 1891, 273. Western Norfolk; 1898, 497. Third Plymouth; 1894, 321. Fourth Plymouth; 1889, 281. Roxbury; 1897, 356. (See 1889, 217.) West Roxbury; 1883, 111. Somerville; 1897,

318. (See 1882, 245; 1887, 180; 1891, 161.) Springfield; 1898, 372. (See 1887, 171; 1897, 359.) Williamstown; 1897, 325. Central Worcester; 1888, 50. First eastern Worcester; 1884, 208. Second eastern Worcester; 1889, 158. (See 1882, 245; 1898, 388.) First northern Worcester; 1893, 479; 1898, 256. (See 1884, 215 § 4.) First southern Worcester; 1890, 131. Second southern Worcester; 1888, 173. Third southern Worcester; 1882, 245. (See 1892, 59.)

Salaries of clerks fixed: Central Berkshire; St. 1893, 479. (See 1882, 245.) Northern Berkshire; 1888, 89. (See 1887, 61.) Southern Berkshire; 1897, 322. (See 1884, 231; 1886, 333 § 4; 1887, 227; 1894, 374.) Fourth Berkshire; 1898, 460. (See 1895, 176.) Boston, civil; 1882, 245. First assistant; 1889, 39. Second assistant; 1889, 143. Third assistant; 1892, 58. (See 1889, 170.) Fourth assistant; 1897, 183. Criminal clerk and assistant; 1893, 479. (See 1882, 245; 1885, 137.) East Boston; 1886, 15. (See 1882, 245.) South Boston; 1882, 245. Assistant; 1894, 379. (See 1887, 327.) Brighton; 1894, 363. First Bristol; 1889, 261. Second Bristol; see 1889, 62. Third Bristol; 1893, 479. (See 1889, 41.) Brockton; 1895, 500. (See 1885, 155.) Brookline; 1888, 60. Charlestown; 1887, 175. (See 1889, 206.) Chelsea; 1894, 470. (See 1882, 176; 1884, 197; 1887, 117.) Chicopee; 1891, 78. Dorchester; 1893, 479. (See 1885, 79; 1886, 124; 1897, 397.) First Essex; 1882, 245. Fitchburg; 1891, 71. (See 1882, 245; 1889, 289.) Franklin; 1896, 353. Gloucester; 1888, 235. (See 1883, 53.) Eastern Hampden; 1896, 337. Western Hampden; 1893, 479. (See 1886, 190; 1888, 88.) Hampshire; 1893, 479. (See 1883, 80; 1886, 106.) Haverhill; 1888, 55. (See 1882, 245.) Holyoke; 1887, 318. (See 1884, 65.) Lawrence; 1893, 479; 1898, 286. (See 1887, 208.) Lowell; 1893, 479. (See 1886, 307.) Assistant; 1889, 152. (See 1882, 63; 1888, 246.) Lynn; 1893, 479. (See 1898, 331.) Marlborough; 1892, 93. (See 1882, 233; 1889, 19.) First eastern Middlesex; 1897, 422. (See 1882, 87, 245; 1886, 167; 1893, 479.) Assistant; 1894, 65. (See 1889, 317.) Second eastern Middlesex; 1894, 336. (See 1883, 97; 1885, 180; 1888, 233; 1891, 107.) Third eastern Middlesex; 1886, 165. (See 1882, 233; 1893, 370.) Assistant; 1897, 260. Fourth eastern Middlesex; 1893, 479. (See 1882, 233; 1887, 174.) First northern Middlesex; 1888, 214. First southern Middlesex; 1886, 156. Newburyport; 1889, 277. (See 1882, 245.) Newton; 1893, 479. (See 1886, 158.) East Norfolk; 1893, 479. (See 1888, 54.) Northern Norfolk; 1898, 478. Southern Norfolk; 1891, 273. Western Norfolk; 1898, 497. First Plymouth; 1883, 57. (See 1885, 155.) Third Plymouth; 1889, 137. Fourth Plymouth; 1891, 190. (See 1884, 204.) Roxbury, clerk; 1893, 479. Assistant; 1889, 239. (See 1882, 245.) Somerville; 1887, 265. (See 1882, 245.) Springfield; 1889, 28. (See 1886, 155.) West Roxbury; 1893, 479. (See 1887, 274; 1889, 92.) Central Worcester; 1889, 83. Assistant; 1893, 479. (See 1882, 245; 1888, 184; 1895, 260.) Second eastern Worcester; 1898, 382. (See 1882, 245; 1889, 218.) First northern Worcester; 1885, 286; 1898, 256. (See 1884, 215 § 4.) First southern Worcester; 1898, 369.

Compensation of special justices and *pro tempore* clerks regulated. St. 1893, 396 §§ 66, 67; 1894, 142, 173 § 2; 1895, 245. (See 1888, 352.)

Salaries of constables in attendance fixed: Boston, civil; St. 1886, 130. Criminal; 1888, 195. (See 1886, 130; 1895, 457.) Brighton; 1886, 148. Charlestown; 1886, 136. East Boston and South Boston; 1882, 245. Roxbury; 1889, 174. West Roxbury; 1886, 148.

SECT. 67. See St. 1890, 440 § 1.

Chapter 155.—Of Justices of the Peace and Trial Justices.

The laws relating to district and police courts are revised and consolidated. St. 1893, 396; 1894, 142, 173, 398, 431; 1895, 245; 1896, 220, 388; 1897, 180, 245, 349, 387, 431; 1898, 204, 555. (See 1895, 237, 419 § 2; 1898, 381, 489.)

Women who are appointed special commissioners shall have same powers as justices of the peace in certain cases. St. 1889, 197; 1896, 476. (See 1882, 139; 1883, 252; 1895, 379.)

Provision for payment of interpreters and of witnesses from without the Commonwealth. St. 1893, 385.

SECT. 3. The right to issue summons is extended. St. 1885, 141. (See 1884, 247.)

SECT. 4. Power of justices to issue warrants modified. St. 1884, 286; 1897, 461. (See 1884, 191; 1893, 396 §§ 43-46.)

SECT. 5. See St. 1898, 411.

SECT. 10. In Dukes county three trial justices. St. 1892, 408.

SECT. 12 *et seq.* Execution may run into any county. St. 1895, 380.

SECT. 17 *et seq.* No original writ shall be returnable more than sixty days from date. St. 1892, 148; 1893, 396 § 17. (See 1898, 397, 420.)

Provision is made for preservation of records, etc., of trial justices. St. 1888, 211.

SECT. 21. In case of failure to attend an adjourned hearing another justice may act in certain cases. St. 1883, 175. (See 1890, 202.)

SECTS. 24-26. Bond required instead of recognizance before removal. St. 1888, 325. These sections shall not apply to actions before district and police courts. St. 1893, 396 § 21.

SECT. 28. Appeal is to be entered at next return day. St. 1885, 384 § 5.

SECT. 29 *et seq.* No bond, recognizance or deposit required in a replevin suit. St. 1890, 224. (See 1882, 95; 1893, 396 § 29.) Nor on an appeal by a county or a municipal corporation. St. 1896, 355.

SECTS. 37, 38. See St. 1890, 202.

SECTS. 40, 41. See St. 1888, 211.

SECT. 42. See St. 1895, 380.

SECT. 43 *et seq.* Jurisdiction of trial justices extended. St. 1885, 149, 356; 1892, 160, 188 § 5; 1893, 172 § 4. (See 1892, 200; 1893, 414; 1894, 505.)

Form of warrants for commitment for non-payment of fines modified. St. 1891, 416.

SECT. 44. See St. 1893, 396 § 46.

SECT. 49. Commitments of children under twelve restricted. St. 1882, 127.

Costs regulated in certain cases. St. 1889, 469. (See 1893, 385.)

SECT. 59. See St. 1893, 385.

SECT. 60. See St. 1890, 440 § 10.

SECT. 62. See St. 1894, 505.

SECTS. 63, 65. Appellant must pay the jailer's fees in certain cases. St. 1890, 328. (See 1893, 396 § 53.)

SECTS. 67 *et seq.*, 74, 75. Provision made for completion of unfinished business before trial justices. St. 1890, 202. (See 1883, 175.)

SECT. 68. Commitments for contempt may be to any jail. St. 1886, 224. (See 1893, 396 § 61.)

SECTS. 69, 77 *et seq.* Provision made for preservation of records and for uniform dockets and blanks except in certain cases. St. 1888, 211, 285. (See 1893, 396 §§ 59, 64.)

SECT. 76. Bond to be examined annually by controller of county accounts. St. 1893, 257.

SECT. 78 repealed. Payments and accounting regulated. St. 1887, 438; 1890, 204, 215, 216, 440; 1891, 70, 325, 416; 1893, 270, 385, 396 § 9; 1898, 204. (See 1886, 169; 1888, 180, 275; 1891, 392.)

Provision for payment by county of rent of office used for court purposes. St. 1898, 555.

Chapter 156.—Of Probate Courts.

Uniform rules of practice and blanks are provided for. St. 1893, 372. (See 1890, 420 § 2. Res. 1893, 23; St. 1898, 411.)

Form of accounts regulated. St. 1895, 210.

Judges may act for or assist each other. St. 1892, 337; 1894, 377. (See 1896, 316; 1898, 69, 131.) An additional judge is provided for in Suffolk. St. 1893, 379. And in Middlesex. St. 1894, 527.

Probate courts may appoint auditors to examine accounts. St. 1889, 311.

Any act or proceeding within the power of the court in the first instance may be confirmed. St. 1888, 420.

The probate of a will, or a determination of intestacy, is made conclusive in certain cases after two years. St. 1889, 435.

Disposition of certain moneys unclaimed or not payable regulated. St. 1885, 376; 1889, 185, 449 § 2; 1890, 408. (See 1893, 379.)

Attorneys may appear in probate proceedings, and process and notices may be served on them as if upon the parties. St. 1890, 420 § 1.

SECT. 2. Jurisdiction extended. St. 1887, 332 § 2; 1891, 358, 415, 425 § 14; 1892, 116; 1894, 164, 536; 1897, 135, 136. (See 1894, 128, 203, 303, 401; 1895, 116; 1896, 210, 456; 1897, 147; 1898, 65, 69, 131, 411, 496 § 32.)

SECTS. 5-11. Appeals in certain cases regulated. St. 1887, 332 § 3; 1888, 290; 1890, 261 § 3; 1891, 415 § 3; 1895, 116. (See 1897, 135.)

SECTS. 7, 8 amended. St. 1888, 290.

SECTS. 9, 13 amended. The superior court is to act in certain cases. St. 1890, 261. (See 1891, 415.)

SECT. 22. See St. 1890, 420; 1893, 372. Provision for a constable to attend the court in Suffolk. St. 1884, 140; 1894, 66; 1898, 146. (See 1887, 156, 243.) And in Middlesex. St. 1895, 246 § 1.

SECT. 32. See St. 1885, 376; 1889, 185; 1890, 408; 1893, 379.

SECT. 35. Expenses may also be awarded. St. 1884, 131. (See 1884, 291.)

SECT. 42. Provision for rearranging worn records and dockets. St. 1891, 225.

SECT. 44. Limit of expense changed. St. 1893, 422. (See 1884, 118; 1887, 217.)

SECT. 45. See St. 1886, 224.

SECT. 48. Provision made for cases of holidays. St. 1884, 141.

Courts shall always be open for matters in equity, hearings, contempt proceedings and for making orders and decrees in such matters, except on legal holidays. St. 1895, 215.

Changes in sessions: Barnstable; St. 1893, 343. Bristol; 1898, 199. Franklin; 1898, 218. (See 1887, 46.) Hampden; 1884, 294. Hampshire; 1886, 145. Middlesex; 1889, 182. Norfolk; 1898, 201. Plymouth; 1887, 63; 1889, 269. (See 1889, 237.) Suffolk; 1892, 202. (See 1893, 379.) Worcester; 1893, 348.

Chapter 157.—Of Courts of Insolvency.

Petition may be brought in county where debtor had a usual place of business. St. 1893, 405.

Attorneys may appear and be served with notices and process. St. 1890, 420 § 1.

Court may direct the messenger or assignee to carry on the business of the debtor. St. 1897, 120. See St. 1898, 562 § 88.

Jurisdiction in equity given in insolvency cases. St. 1894, 164. (See 1892, 435; 1893, 418; 1894, 367; 1895, 340.)

Uniform rules of practice provided for. St. 1893, 372.

Two judges in Suffolk. St. 1893, 379. And in Middlesex. St. 1894, 527.

Composition with creditors provided for and regulated. St. 1884, 236; 1885, 353; 1889, 406; 1890, 387; 1895, 394 § 4; 1897, 303. (See 1883, 242; 1886, 322; 1888, 405.)

Provision made for special judgments against insolvent debtors whose property is under attachment or brought within the control of the court. St. 1885, 59; 1892, 209. And where bond to dissolve attachment or prosecute review is given, and debtor discharged in composition proceedings. St. 1888, 405; 1895, 234 § 4. Sureties on bond to dissolve attachment of property of an insolvent debtor are released by the discharge of the debtor in insolvency. St. 1889, 470. (See 1898, 562 §§ 88, 89.)

Voluntary assignments are authorized and proceedings regulated. St. 1887, 340; 1897, 326.

Certain claims are to be preferred in settlements by receivers. St. 1897, 400.

SECT. 3. Courts shall always be open for certain purposes except on legal holidays. St. 1895, 215. (See 1884, 141.)

SECT. 5. Commitments for contempt may be made to any jail. St. 1886, 224.

SECT. 15. See St. 1894, 164 § 4.

SECT. 16. See St. 1893, 405 § 1.

SECTS. 19, 93. Accidental delay or omission to file schedules not to defeat discharge. St. 1886, 290. Nor failure to keep proper books in certain cases. St. 1894, 496.

SECT. 26. Equitable liabilities may be proved. St. 1884, 293. (See 1897, 402, 427.)

SECTS. 36-38. See St. 1889, 420.

SECTS. 36, 91. Appeal is to be entered on next return day. St. 1885, 384 § 5.

SECT. 40. Non-resident assignees must appoint a resident agent. St. 1889, 313; 1893, 118. (See 1890, 420.)

SECT. 46. Voluntary assignments are valid against an assignee in insolvency, subsequently appointed, in certain cases. St. 1887, 340. (See 1893, 562 § 88.)

A mortgage, if recorded more than four months after its date, is not good against assignee in certain cases. St. 1888, 393.

SECT. 48 *et seq.* See St. 1897, 120.

SECTS. 64-66. Provision made for case of death of assignee after disposal of property and before settlement of accounts. St. 1891, 400.

SECT. 70. Fees of witnesses regulated. St. 1890, 277.

SECT. 84. No claim against a pledgee, created by an unauthorized sale of the collateral security, shall be discharged. St. 1885, 353 § 6. (See 1884, 236 § 9; 1890, 387; 1897, 427.)

SECT. 93 is amended. St. 1886, 322; 1898, 465. (See 1884, 236 § 7; 1885, 353 § 2; 1886, 290; 1894, 496.)

SECT. 96 *et seq.* A pledge or payment of a reasonable sum for legal services may be allowed. St. 1889, 420. (See 1897, 119.)

SECT. 99. If the debtor does not apply, the court may make an allowance to his wife or minor children. St. 1888, 67.

SECT. 102. Accounts must be sworn to. St. 1884, 126.

SECT. 103. Provision made for disposition of unclaimed dividends. St. 1883, 242; 1897, 303.

SECT. 104. Counsel fees may be allowed as a preferred claim. St. 1897, 119. (And see 1897, 400.)

SECT. 106 *et seq.* Provision for suit for dividend on unproved claims. St. 1897, 427.

SECT. 112 is revised. St. 1895, 209. (See 1890, 431; 1893, 405 § 2; 1894, 261.)

SECT. 115 is revised. St. 1894, 139.

SECT. 116 amended. St. 1893, 405 § 3.

SECT. 120 repealed and a substitute passed. St. 1894, 30. (See 1893, 405 § 4.)

SECTS. 127-130, 136. Provision made for insolvency proceedings by and against certain foreign corporations. St. 1890, 321.

SECT. 136 amended. St. 1897, 124.

SECTS. 137, 138 are repealed and fees established. St. 1895, 394. (See 1885, 353 § 4; 1889, 417; 1892, 359.)

SECT. 139 amended. Provable costs, expenses, etc., limited. St. 1892, 359. (See 1895, 394.)

SECT. 143. The registers shall make the returns. St. 1897, 89.

Chapter 158. — Of Judges and Registers of Probate.

Judges may act for or assist each other. St. 1892, 337; 1894, 377. (See 1898, 65, 69.) Two judges in Suffolk. St. 1893, 379. And in Middlesex. St. 1894, 527.

They may act in other counties. St. 1898, 131.

SECTS. 6–8. Register's accounts regulated. St. 1894, 183. (See 1887, 438; 1888, 275; 1890, 216, 306; 1893, 270; 1895, 493; 1897, 89; 1898, 548 § 251.)

SECT. 8. Registers shall send to the State treasurer copy of inventory of estates subject to a collateral succession tax. St. 1891, 425 § 10.

SECT. 10. Powers of registers enlarged. St. 1894, 199; 1897, 89, 147. (See 1898, 69.)

SECT. 11. Additional assistants: Franklin; St. 1893, 151. Hampden; 1898, 234.

SECT. 23. Salaries of judges in all the counties fixed. St. 1893, 469. (See as to Barnstable; St. 1887, 166. Berkshire; 1884, 192. Bristol; 1885, 165; 1889, 211. Dukes; 1885, 318. Essex; 1883, 244; 1888, 112. Middlesex; 1882, 129; 1886, 184; 1889, 251. Nantucket; 1890, 115. Norfolk; 1887, 72. Plymouth; 1886, 183. Suffolk; 1885, 203; 1893, 379. Worcester; 1885, 275.) Subsequent changes: Berkshire; 1898, 280. Hampden; 1894, 352. Middlesex, Junior; 1897, 383. (See 1894, 527.) See also 1892, 59.

Salaries of registers and assistant registers fixed. St. 1893, 469; 1898, 234, 520. (See as to Berkshire; St. 1884, 192. Essex; 1887, 273. Franklin, assistant; 1893, 151. Hampden; 1884, 248. Middlesex; 1887, 259; 1891, 318. Suffolk; 1882, 144; 1891, 91. Worcester; 1888, 152.)

SECTS. 23, 24. Allowance made for clerical assistance: Bristol; St. 1889, 136. Essex; 1886, 114; 1895, 174. Hampden; 1896, 219. Middlesex; 1890, 192; 1893, 344; 1895, 459; 1898, 332. Plymouth; 1894, 322. Suffolk; 1885, 205; 1888, 280; 1889, 418; 1892, 230; 1893, 431; 1895, 364; 1897, 317. Worcester; 1887, 39; 1889, 209; 1894, 259; 1898, 117. And for travelling expenses in certain cases. St. 1896, 316.

SECT. 24. Shall not apply to Suffolk. St. 1885, 205 § 2. Or to Franklin. St. 1893, 151 § 2.

Chapter 159. — Of Clerks, Attorneys and Other Officers of Judicial Courts.

SECTS. 2, 5, 31. Clerical assistance provided for. St. 1893, 327; 1894, 136.

SECT. 3. Clerk shall forward to attorney-general copies of exceptions and reports in cases in which he appears for the Commonwealth. St. 1890, 374; 1895, 372. (See 1891, 356 § 5, 379 § 3; 1896, 413; 1898, 511 § 3.)

SECT. 4. Fac-simile of clerk's signature may be used on all processes except executions. St. 1886, 13.

SECT. 5. Clerk must deposit moneys not immediately needed. St. 1890, 215. (See 1887, 438 § 5.)

SECT. 6. When clerk is absent, county commissioners shall appoint one

of their number clerk *pro tempore*, who shall be sworn. St. 1890, 198. In counties where there is no assistant clerk of courts, they may appoint a clerk *pro tem.* who may be a woman. St. 1896, 384.

SECTS. 8, 9, 31. Assistants given: Essex; St. 1889, 444. Hampden; 1897, 220. Middlesex (2d); 1889, 11; (3d) 1896, 218. Suffolk; 1888, 153 (3d); 1889, 50 (4th); 1892, 87 (5th); 1895, 251 (equity); 1895, 393, 480 (6th); 1897, 334 (7th). (See 1896, 413.) Signatures of assistants regulated. St. 1889, 215; 1895, 251. (See 1898, 238.)

SECT. 13. Return of oath required. St. 1894, 228.

SECT. 14. Bonds to be examined annually by controller of county accounts. St. 1893, 257.

SECT. 17. See St. 1882, 264 § 2.

SECTS. 27, 28. Accounting for fees, etc., regulated. St. 1887, 291, 438; 1888, 257; 1890, 209, 215, 216; 1891, 87, 236, 392, 416. (See 1890, 360, 440.)

Clerks must deposit public funds beyond what are required for immediate use. St. 1890, 215. Certain unclaimed funds are to be paid to the treasurer of the Commonwealth. St. 1890, 330.

SECTS. 29, 34. Salaries changed: Clerks: Supreme judicial court, Suffolk; St. 1887, 291. Superior court, Barnstable; 1892, 95. Dukes; 1887, 112. Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk and Worcester; 1888, 257. Assistant clerks: Bristol; St. 1898, 376. Hampden; 1897, 220. Middlesex (1st and 2d); 1892, 187; (3d) 1896, 218. Norfolk, 1898, 518. Suffolk; 1885, 250; 1893, 153, 190. Worcester; 1891, 92. (See 1889, 11; 1890, 201; 1895, 251, 393, 480.) Salaries not payable until all fees are paid over. St. 1890, 209 § 3.

SECT. 33 is amended. St. 1898, 238.

SECT. 34 is repealed and admission to the bar regulated. St. 1897, 508; 1898, 384. (See 1888, 257 § 5; 1898, 56, 206, 312.) Women may be admitted to practise. St. 1882, 139. (See 1883, 252; 1889, 197; 1896, 476.)

SECT. 37 *et seq.* An act relating to compensation of attorneys assigned by the court in murder cases. St. 1893, 394.

Disbarred attorneys who continue to practise, and persons falsely representing themselves to be attorneys, are subject to a penalty. St. 1891, 418. As to agreements to postpone cases, and engagements in another court, see St. 1884, 304; 1890, 154, 451.

SECT. 44. Word "suit" applies to any proceeding before any court. St. 1884, 170.

SECTS. 47, 48. Masters, assessors and referees, and arbitrators under chapter 188, upon whose awards judgment is entered, are to be paid by the county. St. 1883, 216; 1886, 51; 1887, 289.

They are to have no fees unless report is filed within ninety days. St. 1888, 282.

SECT. 51. The fee for a rule to an auditor is fixed at one dollar. St. 1888, 257 § 5.

The probate court may appoint auditors in certain cases. St. 1889, 311. (See 1894, 175.)

SECTS. 56-63. Publication of reports regulated. St. 1889, 471. Reporter's salary fixed, and allowance made for clerk hire and incidental expenses. St. 1892, 380. (See 1889, 471 § 4.)

SECT. 64 *et seq.* Number of officers in attendance regulated, their duties defined and compensation fixed, in Suffolk: Supreme judicial court; St. 1882, 232; 1886, 37; 1887, 243; 1890, 294. Superior court; St. 1886, 37; 1888, 357. (See 1882, 245 § 3; 1883, 54.) Middlesex supreme judicial and superior courts. St. 1892, 107; 1895, 246. (See 1895, 369; 1897, 342.)

And in probate and insolvency courts. St. 1887, 156, 243; 1894, 66; 1895, 246; 1898, 146. (See 1884, 140.) *

Uniforms required in certain cases. St. 1888, 371; 1891, 181; 1892, 107 § 5; 1895, 246 § 3.

SECTS. 72, 75 are revised. Provisions for appointment and compensation of stenographers. St. 1885, 291; 1887, 74; 1892, 133; 1893, 404, 452; 1894, 68, 330, 424; 1896, 459; 1897, 478. (See 1887, 24; 1889, 324; 1895, 153 § 2.)

Chapter 160.—Special Provisions respecting Courts and the Administration of Justice.

SECT. 4. When Christmas falls on Sunday the courts are not open on the following day. St. 1882, 49. The first Monday of September is "Labor's holiday." St. 1887, 263. Fast day abolished and April 19 made a holiday. St. 1894, 130; 1896, 162. (See 1888, 254; 1897, 431 § 1; 1898, 488.)

SECT. 5. See St. 1896, 247.

SECTS. 8-10. The laws as to naturalization are revised; jurisdiction is given to the lower courts. St. 1885, 345; 1886, 45, 203; 1887, 36, 329; 1891, 180, 419; 1892, 348. (See 1884, 298 § 38; 1888, 257 § 4; 1893, 376, 417 § 237.)

SECT. 9 is repealed; primary declarations may be made at any time. St. 1886, 45; 1891, 180.

Chapter 161.—Of the Commencement of Actions and the Service of Process.

The assignee of a non-negotiable chose in action may sue in his own name. St. 1897, 402.

In an action on a probate bond the wife of the judge may be a defendant. St. 1896, 208.

The laws relating to district and police courts are revised and consolidated. St. 1893, 396.

Two or more persons may join in suit against same defendant to recover not exceeding twenty dollars due to each for manual labor. St. 1896, 444.

SECT. 1. See St. 1893, 396 § 13; 1894, 398.

When a person loses his life through negligence of another or such other's employees, executor or administrator of deceased may recover from \$500 to \$5,000 in action of tort. St. 1898, 565.

SECT. 1 applies to equity suits. St. 1883, 223 § 13. (See 1889, 454 § 5; 1894, 309.)

SECTS. 1-12. The supreme judicial and superior courts may change the venue in certain cases. St. 1887, 347.

SECT. 10. The motion may be filed within thirty days after the day for appearance. St. 1885, 384 § 14. (See 1892, 169.)

SECT. 13 *et seq.* All civil actions, at law or in equity (except replevin), in the supreme judicial and superior courts, may be commenced in either form. St. 1887, 383.

Fac-simile of clerk's signature may be used on certain processes. St. 1886, 13. (See 1885, 321.)

SECT. 14. See St. 1896, 247; 1898, 397. Attachment is dissolved by appointment of receiver. St. 1898, 420.

SECTS. 23, 27. Terms are abolished and writs are returnable on first Monday of each month. St. 1885, 384. No original writ issued by a trial justice, or district, police or municipal court, shall be returnable more than sixty days from date. St. 1892, 148; 1893, 396 § 17.

SECTS. 32, 34, 36. See St. 1884, 330; 1890, 321; 1894, 384.

SECTS. 38-60. The right to attach the property of newspaper offices is limited. St. 1890, 377. (See 1897, 404; 1898, 420.)

SECT. 41 extended to arrest of the person. St. 1896, 247.

SECT. 62. All attachments must be deposited in the registry of deeds. St. 1889, 401. (See 1892, 289; 1897, 463; 1898, 562 §§ 71-79.)

SECTS. 74-83. See St. 1890, 377 § 2.

SECT. 84. Justices of the supreme judicial or superior court may order clerk to issue process in cases pending in another county. St. 1886, 223; 1896, 413. (See 1885, 384 § 3.)

SECT. 88. See St. 1898, 397.

SECT. 121. "Unreasonable" added. Attachment may be discharged. St. 1897, 460. (See 1898, 397.)

SECT. 122 *et seq.* A fidelity insurance company may be the only surety. St. 1894, 522 § 61. (See 1884, 296 § 3; 1887, 214 § 61.) Bonds must contain a provision for special judgments under St. 1888, 405. (See 1885, 59.) The sureties are released by principal's discharge in insolvency proceedings begun within four months. St. 1889, 470. Office of commissioner of insolvency abolished. St. 1895, 100. Provision for dissolution of attachment by deposit of money. St. 1897, 404. (See 1898, 420.)

SECT. 127. See St. 1892, 359.

Chapter 162. — Of Arrest, Imprisonment, and Discharge.

A person under arrest by a constable on mesne process or execution may be further arrested by deputy sheriff on a writ or execution which a constable is not authorized to serve. St. 1896, 247.

SECT. 1. Office of commissioner of insolvency abolished. St. 1895, 100.

SECTS. 1, 2. Provision for reduction of ad damnum or discharge of defendant. St. 1898, 397. (See 1898, 411.)

SECTS. 3-15. Provisions relative to female poor debtors. St. 1897, 466.

SECTS. 17, 18, 20, 25, 27, 28, 33, 34, 54 are amended. Poor debtor proceedings are regulated. St. 1888, 419; 1889, 415; 1890, 128; 1891, 271,

313, 407; 1893, 62; 1897, 382, 466; 1898, 559. (See 1887, 442; 1894, 184; 1895, 308.)

The place of proceedings is fixed. St. 1894, 184.

SECTS. 17, 18. Notice of examination must be given under either of the charges in section 17. St. 1887, 442. Affidavit may be made at any time before the certificate is issued. St. 1891, 407. (See 1897, 466.)

SECT. 27. See St. 1896, 247; 1898, 397.

SECTS. 32, 34. A debtor shall not suffer default by reason of the absence or disability of the magistrate, if a new notice is issued within three days. St. 1887, 442 §§ 3, 4.

SECT. 36. If recognizance is not satisfactory debtor may be imprisoned. St. 1889, 415 § 4. (See 1898, 397, 559.)

SECTS. 36, 51. See St. 1889, 415 § 12; 1898, 559.

SECT. 68. The fees are changed, and the mode of their recovery. They are to be accounted for. St. 1888, 419 § 13; 1889, 415 §§ 6, 7; 1891, 313; 1893, 62. (See 1897, 466 § 2.)

Chapter 163.—Of Bail.

SECTS. 1, 2. See St. 1898, 397, 411.

SECT. 4. Office of commissioner of insolvency abolished. St. 1895, 100.

SECT. 12 is amended. The bail is discharged on paying costs, if the principal dies. St. 1884, 260. (See 1898, 381.)

SECT. 22. See St. 1898, 397, 411.

Chapter 164.—Of Proceedings against Absent Defendants, and upon Insufficient Service.

Provision made for service on foreign corporations. St. 1884, 330. (See 1886, 230; 1889, 393; 1890, 321.)

SECT. 6. Notice must be given within one year to a non-resident of attachment of his real estate. St. 1884, 268. (See 1892, 289.) Personal service may be ordered in certain cases. St. 1894, 384.

SECT. 7 amended as to time for appearance. St. 1885, 384 § 8.

Chapter 166.—Of Actions by and against Executors and Administrators.

In actions against estate of a deceased person supported by oral testimony of a promise or statement made by the deceased, evidence of his statements, memoranda, acts and habits tending to disprove the statement is admissible. St. 1896, 445.

Chapter 167.—Of Pleading and Practice.

Court terms are abolished, return days changed and practice regulated. St. 1883, 223; 1884, 304, 316; 1885, 384; 1887, 332, 380, 383; 1890, 154, 374, 398, 451; 1891, 227, 362; 1892, 440; 1893, 61; 1897, 472; 1898, 397, 411, 420. (See 1894, 173; 1896, 220; 1897, 431; 1898, 489.)

Where there are two or more shire towns, court may designate the shire town at which an action shall be tried. St. 1882, 264 § 2.

An act to facilitate collection of small debts for manual work or labor. St. 1896, 444.

All civil actions at law or in equity (except replevin) in supreme judicial or superior court may be begun by bill or petition, or by writ with bill or petition inserted, and relief given as the case requires. St. 1887, 383.

An act relative to actions upon assigned claims. St. 1897, 402.

Provisions in regard to new trials and reduction of verdicts. St. 1897, 472. In regard to proceedings in cases pending in other counties. St. 1886, 223; 1892, 127; 1896, 413.

Claimants of funds in defendant's hands may be summoned in and the parties required to interplead. St. 1886, 281. (See 1883, 62; 1888, 345.)

SECTS. 2-10. A form for declaring for recovery of interest is established. St. 1890, 398.

SECT. 8. If copy is not furnished, the action may be discontinued on motion. St. 1894, 405.

SECT. 9 amended. On failure to file a declaration the action may be dismissed on motion. St. 1885, 384 § 6.

SECTS. 9, 11-20, 24-29, 40, 41 and 81 apply to actions in district and police courts. St. 1893, 396 § 23.

SECT. 11. Demurrers in equity regulated. St. 1883, 223 § 10. (See 1887, 383 § 2.)

SECT. 13 *et seq.* Any matter which in equity would entitle the defendant to be absolutely relieved from plaintiff's claim may be alleged. St. 1883, 223 § 14; 1887, 383.

SECT. 43. The superior court retains jurisdiction although the action be changed to equity. St. 1883, 223 § 17; 1887, 383 § 3.

SECTS. 46, 47 are repealed, and new provisions made as to defaults. St. 1885, 384 §§ 7-11.

SECT. 48. Provision for speedy trial in certain cases. St. 1894, 283, 347; 1897, 381.

SECTS. 64, 67 *et seq.* Provision made for postponement, etc., of cases on trial list. St. 1884, 304; 1890, 154, 451. (See 1890, 420.)

The superior court may regulate publication and distribution of trial lists. St. 1896, 401. (See 1889, 459.)

An attorney when actually engaged in the trial of a cause in the supreme judicial or superior court is not obliged to proceed to trial of another cause, unless the court deems it just and reasonable. St. 1890, 451.

SECT. 65. See St. 1893, 396 § 20.

SECT. 69. Time for filing claim for jury trial extended. St. 1894, 357.

SECT. 70. See St. 1882, 239; 1894, 412.

SECT. 77. See St. 1894, 424 § 9.

SECT. 80. Retraction of libel may be proved in mitigation of damages. St. 1897, 525. (See 1895, 441.)

SECT. 89. See St. 1893, 396 § 23.

SECT. 90. District court of Hampshire is added. St. 1891, 139.

Police courts may order defendant to answer. St. 1886, 64.

Chapter 168. — Of Set-off and Tender.

SECT. 8 not to apply to proceedings by savings banks against depositors therein. St. 1894, 317 § 32.

Chapter 169. — Of Witnesses and Evidence.

Treatment of witnesses in custody regulated. St. 1894, 160, 270. Compensation allowed for detention in jail. St. 1894, 406. (See 1892, 361; 1894, 273.)

As to admission of declarations of deceased persons. See St. 1889, 100; 1898, 535.

SECT. 1 is revised and right to issue summonses extended. St. 1885, 141; 1889, 197. (See 1883, 252; 1884, 247; 1896, 476; 1898, 187.)

SECT. 5. See St. 1886, 224.

SECTS. 7, 8 extended to boards of police commissioners. St. 1882, 267.

Justices of supreme judicial or superior court may compel attendance of witnesses before tribunals having power to summon, but not to compel attendance. St. 1883, 195. They may compel witness to testify. St. 1898, 374.

SECT. 18. See St. 1896, 445.

SECTS. 28, 41. Where the adverse party does not appear, no notice of taking deposition or exhibition of interrogatories is required. St. 1883, 188.

SECT. 54 is amended. Notice to non-resident parties is provided for. St. 1882, 140.

SECTS. 69, 70. Attested copies of rules of boards of aldermen, ordinances of cities, by-laws of towns and records of cities and towns are admitted. St. 1889, 387. And sworn copies of records, books and accounts of savings banks. St. 1885, 92. Verified copies from authorized stenographic notes may be received in evidence of testimony previously given in superior court. St. 1894, 424 § 9; 1896, 459 § 7. (See 1895, 153; 1896, 451.)

Chapter 170. — Of Juries.

A uniform system of preparing jury list and empanelling juries is established. St. 1897, 516. (See 1894, 514.)

SECT. 2. Assistant clerks and all regularly appointed court officers are exempted. St. 1896, 427.

SECT. 6. County of Nantucket added. St. 1891, 131.

SECT. 7. Publication of lists of jurors provided for. St. 1894, 514 § 3.

SECT. 19. Venires for jurors for the supreme judicial court in Barnstable regulated. St. 1889, 173.

SECT. 12. See St. 1892, 107 § 4.

SECT. 17. Drawing jurors in cities regulated. St. 1894, 514. (See 1897, 516 § 7.)

SECTS. 23-32 are repealed. St. 1897, 516 § 10. (See 1888, 123.)

SECT. 35. Jurors may be examined by parties or their attorneys, under direction of the court. St. 1887, 149.

SECTS. 36, 37. See St. 1895, 120.

Chapter 171.—Of Judgment and Execution.

Judgments, orders and decrees must bear date of entry. St. 1885, 384 § 13.

An act relative to the issuing of executions in suits founded on a judgment previously rendered. St. 1898, 489.

An act to provide an equitable process after judgment in certain cases. St. 1898, 549.

No judgment or decree affecting title to real estate shall be valid against third parties without notice, unless recorded. St. 1892, 289; 1897, 463; 1898, 562 § 80. (See 1889, 401.)

SECTS. 1, 17-24. Provision for special judgments against insolvents whose property is attached, or under control of a court of equity on a creditor's bill or otherwise. St. 1885, 59; 1892, 209. And where bond is given to dissolve attachment or prosecute review, and defendant is discharged in composition proceedings. St. 1888, 405. (See 1884, 236; 1886, 353; 1895, 234.)

SECT. 34. Certain funds of charitable and relief societies are exempted. St. 1886, 125 § 2; 1890, 181, 421 § 23. Also military equipments. St. 1893, 367 § 71. (See 1885, 183 § 11; 1887, 214 § 73, 411 § 71; 1890, 421 § 23; 1892, 372; 1893, 434; 1894, 522 § 73.)

SECT. 39. When a sale has been enjoined court may order adjournments until further order. St. 1884, 175.

SECTS. 52, 53. Provision made for record of seizure in cases where the levy is suspended on account of a prior attachment. St. 1887, 407.

SECT. 54. In case of sickness or absence of the officer another may be delegated. St. 1885, 125.

Chapter 172.—Of the Levy of Execution on Real Estate.

SECT. 22. Execution and certificate must be recorded in clerk's office. St. 1895, 437. (See 1898, 562 § 70.)

SECT. 30. Enjoined sales may be adjourned by the court granting the injunction. St. 1884, 175.

SECTS. 32, 49. Right of redemption extended to lands set off. St. 1886, 86.

SECT. 45. Levy shall be considered as made at the time when the land is taken. St. 1896, 464.

Chapter 173.—Of the Writ of Entry.

The supreme judicial court no longer has original jurisdiction of writs of entry. St. 1892, 169.

SECT. 2. Notwithstanding disseizin or adverse possession a conveyance of real estate otherwise valid vests in the grantee the rights of entry and of action for recovery. St. 1891, 354. (See 1898, 562.)

Chapter 174.—Of the Writ of Dower.

SECT. 7. See St. 1898, 562 § 84.

Chapter 175. — Of the Summary Process for the Recovery of Land.

SECT. 1. See St. 1891, 354.

SECT. 2 *et seq.* See St. 1893, 396 §§ 12, 13, 25, 29, 423 § 27; 1894, 398, 431.

SECTS. 6-8. A bond instead of a recognizance is to be given. St. 1888, 325. (See 1898, 457, 514, 562 § 82.)

Chapter 176. — Of Petitions for the Settlement of Title.

This chapter is repealed and a substitute enacted. St. 1893, 340. (See 1897, 522; 1898, 457, 562.)

Provision made for barring action on an undischarged mortgage after possession by the mortgagor for twenty years without act of recognition. St. 1882, 237; 1885, 283; 1890, 427 § 1. (See 1889, 442; 1898, 562 §§ 85, 106.)

Provision made for determining the validity, nature and extent of conditions, restrictions, reservations, stipulations, etc., more than thirty years old, appearing of record. St. 1889, 442; 1890, 427 § 2; 1897, 522; 1898, 457. (See 1882, 237; 1885, 283; 1898, 514.)

Chapter 178. — Of the Partition of Land.

SECT. 2. Original jurisdiction of petitions for partition taken from supreme judicial court. St. 1892, 169. (See 1898, 562.)

SECTS. 2, 9, 75 extended. Land in different counties may be divided in one proceeding. St. 1888, 346. (See 1889, 468.)

SECT. 12. See St. 1896, 456.

SECT. 13. The right to remove petitions for partition under this section is taken away. St. 1892, 169 § 2. (See 1885, 384 § 14.)

SECT. 45 *et seq.* The probate court may set off his share to petitioner and allow the residue to remain in common. St. 1885, 293. (See 1887, 286; 1888, 346; 1894, 104.)

No petition for partition shall be defeated because a party has paid off an incumbrance which other parties were entitled to redeem, but the decree shall prescribe terms of redemption. St. 1889, 468.

SECT. 51. Words "newspaper or" inserted. St. 1882, 55.

SECTS. 52, 53. See St. 1896, 456.

SECT. 57 repealed. St. 1895, 118.

SECT. 63 amended. St. 1882, 6 § 2.

SECT. 64-75. Provision made for partitions where there are estates for life or for a term of years, and a remainder-man. St. 1887, 286.

SECT. 65 amended. St. 1894, 104. (See 1885, 293; 1887, 286.)

SECT. 75. See St. 1888, 346 § 3.

Chapter 179. — Of Waste and Trespass on Real Estate.

SECT. 1. See St. 1898, 562 § 84.

Chapter 180.—Of Actions for Private Nuisances.

Fences and other like structures over six feet in height, maliciously erected or maintained, are declared private nuisances. St. 1887, 348.

Chapter 181.—Of the Redemption and Foreclosure of Mortgages.

See an act to provide for registering and confirming titles to land. St. 1898, 562 §§ 60-63.

SECTS. 3, 9. Original jurisdiction of writs of entry for foreclosure taken from the supreme judicial court. St. 1892, 169.

SECT. 17. The notice may be given in some newspaper in the county if there is none in the town. St. 1882, 75.

SECT. 27. The mortgagee may proceed with a sale already advertised unless the amount due is paid into court or the sale enjoined. St. 1888, 433.

SECT. 42 shall not apply to foreclosures under power of sale mortgages. St. 1896, 203.

Chapter 182.—Of Informations for Intrusion and for the Recovery of Lands of the Commonwealth.

See St. 1898, 562 § 83.

Chapter 183.—Of the Trustee Process.

SECT. 1. See St. 1883, 223 § 11.

SECT. 3. Where a trustee is made a party for the purpose of giving jurisdiction in the county where the trustee resides, the parties not residing there, the action may be transferred. St. 1893, 285.

SECT. 4. See St. 1893, 396 § 13; 1894, 398, 431.

SECT. 7 extended to trial justices. St. 1887, 33. As to time of return, see St. 1893, 396 § 17; 1894, 398.

SECT. 10. Appearance and answer must be within ten days from the return day of the writ. St. 1885, 384 § 9.

SECT. 24. See St. 1898, 420.

SECT. 29 *et seq.* The wages or lay of seamen are exempted. St. 1886, 194. But not of fishermen. St. 1890, 289.

SECT. 34. Certain funds of charitable and relief societies and assessment insurance companies are not liable to attachment. St. 1886, 125 § 2; 1890, 181, 421 § 23. (See 1885, 183 § 11; 1887, 214 § 73, 270 § 6; 1892, 372; 1894, 522 § 73.)

SECT. 38. Provision is made for executions in favor of claimants. The provision as to proceedings under chapter 161, sections 80, 82, 83, is omitted. St. 1888, 345. (See 1883, 62; 1886, 281.)

SECT. 71. See St. 1897, 404.

SECT. 73. In a suit by the defendant against the trustee, pending the trustee process, the costs are in the discretion of the court. St. 1883, 62. (See 1886, 281; 1888, 345.)

Chapter 184. — Of the Replevin of Property.

In case of appeal from the lower courts by the plaintiff, no bond, recognizance or deposit is required. St. 1893, 396 § 29. (See 1890, 224.)

SECTS. 18, 19. Sureties may be approved by a justice of a police, district or municipal court. St. 1895, 388. (See 1894, 522 § 61.)

Chapter 185. — Of Habeas Corpus and Personal Replevin.

Probate courts are given jurisdiction in cases of alleged restraint of personal liberty. St. 1894, 536.

SECT. 3. Provision for habeas corpus in poor debtor proceedings. St. 1888, 419 § 12; 1898, 559.

SECT. 18 is amended. St. 1882, 6 § 3.

SECTS. 21-23. See St. 1898, 411.

Chapter 187. — Of Writs of Error and Writs of and Petitions for Review.

Upon a writ of error or other proceeding to reverse or avoid a conviction, or discharge a prisoner, the fact that the person was under seventeen years of age shall not be deemed material. St. 1892, 266.

SECTS. 16-39 are repealed and revised. St. 1895, 234. (See 1882, 249; 1888, 405 § 3; 1893, 396 § 33.)

Chapter 188. — Of Reference to Arbitration.

The fees of arbitrators under this chapter, upon whose awards judgment is entered, are to be paid by the county. St. 1887, 289. (See 1883, 216; 1886, 51.)

Chapter 189. — Of Improving Meadows and Swamps.

SECT. 15. "Return day" is substituted for "court held." St. 1885, 384 § 5.

Chapter 190. — Of Mills, Dams and Reservoirs.

SECT. 48 is extended to any stream, on certain conditions. St. 1892, 55. (See 1889, 383.) Dam may be erected to make an ice pond in certain cases. St. 1898, 480.

SECT. 53 *et seq.* County commissioners may examine dams and reservoirs upon their own judgment, and proceed as if application had been made to them. St. 1891, 315; 1893, 99.

Chapter 191. — Of Liens on Buildings and Lands.

See Land Registration Act. St. 1898, 562 §§ 70-79.

Provision for speedy trials in superior court, Suffolk. St. 1894, 283, 547; 1897, 381.

SECT. 6. Certain inaccuracies not to invalidate the statement if parties were not misled. St. 1892, 191.

SECT. 12 is repealed. St. 1888, 344 § 4.

SECTS. 13, 16, 17 are revised, and new method of procedure prescribed. St. 1888, 344. District and police courts have jurisdiction when the claim does not exceed one thousand dollars. St. 1893, 396 § 12.

SECTS. 42, 43. Any person to whom a debt would be payable for labor or materials, if it were not for a lien, may dissolve such lien by bond. St. 1890, 383. Sureties may be approved by a justice of a police, district or municipal court. St. 1895, 404.

SECT. 45. Creditor's attorney may discharge lien. St. 1891, 244. (See 1896, 443 § 7.)

Chapter 192. — Of Mortgages, Conditional Sales, Pledges and Liens on Personal Property.

An act to regulate the making of loans upon deposits or pledges of personal property. St. 1895, 497; 1898, 515. (See 1894, 416; 1896, 183.)

The provisions of this chapter shall not apply to contracts under St. 1894, 326. (See 1884, 313; 1892, 411.)

SECTS. 1, 2 are repealed, and new provisions made as to recording. St. 1883, 73.

SECT. 6 not repealed or affected by St. 1892, 428, or 1898, 577 § 11. (See 1888, 388; 1890, 416 § 6.)

SECTS. 7, 10. See St. 1892, 428 § 4.

SECTS. 10-12. Debts or claims against a pledgee, created by an unauthorized sale of the collateral, are not discharged in insolvency. St. 1885, 353 § 6. (See 1884, 236 § 9.)

The discharge of, and redemption of security for, small loans regulated. St. 1888, 388; 1890, 416; 1892, 428; 1898, 577. (See 1885, 252; 1888, 243; 1895, 497.)

Mortgages of household furniture are regulated in certain cases. St. 1892, 428 § 3.

SECT. 13. Conditional sales of furniture or household effects are regulated. St. 1884, 313; 1892, 411; 1898, 545. (See 1894, 326.)

SECT. 15. Time for filing statement extended. St. 1896, 404.

SECT. 24. Courts in the county where the petitioner has his usual place of business also have jurisdiction. St. 1888, 46.

SECT. 26 amended to conform to section 24. St. 1893, 173.

SECT. 31. Lodging-house keepers added. St. 1897, 292. Disposition of unclaimed baggage, etc., regulated. St. 1893, 419; 1894, 181. (See 1897, 305.)

Chapter 195. — Of the Collection of Claims against the Commonwealth.

SECT. 1 is extended to all claims, whether at law or in equity, except those mentioned in section 7. They are subject to set-off. St. 1887, 246. (See 1895, 441 § 2.)

Chapter 196. — Of the Limitations of Real Actions and Rights of Entry.

SECT. 11. Not to apply to certain province lands. St. 1893, 470. (See St. 1898, 562.)

Chapter 197.—Of the Limitation of Personal Actions.

Actions to recover forfeitures for selling liquor to a minor are limited to two years. St. 1889, 390.

Actions by and against assignees in insolvency are limited. St. 1895, 432.

Chapter 198.—Of Costs in Civil Actions.

When two or more cases are tried together in the supreme judicial, superior, or any police, municipal or district court, the costs may be reduced by the presiding judge. St. 1892, 231.

SECT. 25 is revised. Time of hearing appeals changed. St. 1882, 235.

SECTS. 28-31. Term fees are abolished. St. 1888, 257; 1889, 433; 1890, 209; 1891, 87. (See 1882, 264; 1890, 360; 1898, 204.)

Chapter 199.—Of the Fees of Certain Officers.

In criminal cases, if the complaint is unfounded, frivolous or malicious, the magistrate may refuse to allow fees to complainant. St. 1890, 440 § 13.

SECT. 2. In police, district and municipal courts no court fees are allowed in criminal cases. St. 1890, 256.

SECTS. 2, 3. The fees of trial justices and mode of approval and certification are established. St. 1890, 353; 1891, 325; 1892, 200 § 3; 1893, 396. (See 1890, 440; 1892, 160.) Fee for complaint and warrant in bastardy cases abolished. St. 1897, 237.

SECTS. 4, 5. The entry fee covers all clerks' fees, except in certain cases. St. 1888, 257; 1889, 433; 1890, 209; 1891, 87; 1898, 204. (See 1890, 360.)

SECT. 6. Fees for summoning witnesses in criminal cases fixed. St. 1882, 215. (See 1890, 440 §§ 1, 7; 1892, 200; 1893, 414; 1898, 204.)

SECT. 9 is revised. Certain charges for horse hire are allowed. St. 1885, 254.

SECT. 10 *et seq.* See St. 1890, 440; 1893, 396 § 62; 1898, 204.

SECT. 14. Fees of witnesses in insolvency proceedings regulated. St. 1890, 277. (See 1890, 440 § 6; 1892, 231; 1893, 385.)

SECTS. 14, 39. When two or more cases are tried together the presiding judge may reduce the fees and costs. St. 1892, 231.

SECT. 15 repealed. Appraisers' fees regulated. St. 1886, 135.

SECT. 20. Fees are paid to county, and registers and assistants paid by salary. St. 1895, 493. (See 1892, 253 § 2; 1896, 172.) Fee for discharge of attachment or mechanic's lien. St. 1896, 443 § 7.

SECTS. 23-27 apply to registers of probate and insolvency. St. 1893, 469 § 2. (See 1896, 316.)

SECTS. 30, 34 *et seq.* Officers' fees, costs and expenses regulated. St. 1890, 440; 1891, 70, 325, 392; 1892, 200; 1893, 396 § 62; 1898, 204. (See 1889, 469; 1890, 166; 1892, 231.)

SECTS. 32, 39. See St. 1892, 231.

Chapter 200. — Of the Rights of Persons Accused.

Police matrons and stations for detention of women are required in certain cities. St. 1887, 234; 1888, 181.

Male and female prisoners shall not be carried to or from court together in certain cities. St. 1894, 273.

Chapter 202. — Of Offences against the Person.

SECTS. 15, 16. Public boxing matches and private boxing matches for a prize or reward are prohibited. St. 1896, 422.

SECT. 27. Punishment modified and "age of consent" raised. St. 1893, 466. (See 1886, 305; 1888, 391.)

Abandonment of infant. St. 1882, 270; 1889, 309; 1892, 318.

Chapter 203. — Of Offences against Property.

The following are made offences: —

False statements of the distance travelled or to be travelled with a hired horse, or refusal to pay the hire. St. 1882, 236.

Violation of law as to weekly payment of wages. St. 1896, 241. (See 1895, 438; 1898, 505.)

Obtaining, by false representations, certificates or transfers of registration, and giving false pedigrees of cattle, horses, etc. St. 1887, 143; 1890, 334.

Entering or driving a horse disguised, or different from the one purported to be entered, to compete for a purse or premium. St. 1892, 167.

False representations to overseers of the poor, etc., for purpose of causing any person to be supported as a pauper. St. 1891, 343.

Selling goods marked silver, sterling silver or coin silver, containing less than the required proportion of pure silver. St. 1894, 292.

Injuring property or unlawful diversion of electricity of an electric lighting company. St. 1895, 330. Violation of park regulation. St. 1896, 199. Making false report to savings bank commissioners. St. 1896, 327.

SECTS. 10, 11 amended. The penalties are modified. St. 1888, 135.

SECT. 16 extended to railroad cars. St. 1896, 389.

SECT. 20. The penalties are changed in certain cases. St. 1889, 458.

SECTS. 20, 37, 40. The embezzlement of property of voluntary associations is made a crime. St. 1884, 174; 1886, 328. (See 1887, 214 §§ 98-110; 411 § 77; 1894, 367 § 17; 522 §§ 98-110; 1898, 474 § 18.)

And of money, stocks or securities held by brokers under written directions for their disposal. St. 1892, 138. (See 1890, 437 § 3.)

SECT. 21. And the mutilation of a will. St. 1890, 391.

SECT. 43. Penalty for destroying or removing from order boxes orders to carriers for hire. St. 1895, 481. And for stealing bicycles. St. 1897, 409.

SECT. 54. See St. 1894, 450 § 2, 452 § 2, 472, 476.

SECT. 56 is extended to agents, clerks, etc., of persons or firms, and to omissions to make true entries. St. 1885, 223.

SECT. 58. Fraudulent use of certain insignia is made an offence. St. 1887, 67; 1891, 15; 1894, 27, 117.

SECTS. 63, 64 extended to labels, stamps and trade-marks of labor and trade associations. St. 1890, 104. (See 1893, 443; 1894, 285; 1895, 462.)

SECT. 79. Wilful detention or mutilation of books, etc., of public or incorporated libraries are offences. St. 1883, 77, 81.

SECT. 95. See St. 1893, 403; 1897, 254.

SECT. 99. Provision is made to prevent trespass on private land by persons with fire-arms, the defacing of notices, etc. St. 1884, 308; 1890, 403, 410. (See 1886, 276 § 4.)

And on lands appurtenant to prisons or houses of correction. St. 1885, 303.

SECT. 101. The tearing down, removal or defacing of a warrant, voting or jury list, or other legal notice, is made punishable. St. 1883, 156; 1887, 147; 1888, 436 § 28; 1889, 413 § 28.

SECT. 102 is revised. St. 1898, 500.

SECT. 103. Municipal, district and police courts are given concurrent jurisdiction in certain cases. The penalty is regulated. St. 1893, 396 § 39; 1897, 180, 349. (See 1887, 293 § 2; 1897, 387, 529.)

The wilful defacing and misuse of milk cans is made an offence. St. 1885, 133.

SECT. 106. The penalty is increased. One-half the fine is to go to the informant. St. 1889, 399.

SECTS. 107-109. The wilful or negligent setting of fires is made a crime. St. 1882, 163; 1886, 296; 1897, 254.

Wilful or wanton destruction of property by a convict is punishable. St. 1891, 295; 1896, 344.

Chapter 204.—Of Forgery, and Offences against the Currency.

SECT. 1. See St. 1898, 562 §§ 111-114.

Chapter 205.—Of Offences against Public Justice.

The following are made offences: Procuring fraudulent divorces. Unlawfully issuing certificates of divorce. Advertising, by one not a member of the bar, the business of procuring divorces. St. 1886, 342; 1887, 320; 1891, 59. Practising law after disbarment; or falsely representing one's self to be an attorney-at-law. St. 1891, 418. Certain payments of expenses of naturalization. St. 1893, 417 § 237. (See 1892, 416; 1893, 376.)

Interference with police signal system. St. 1888, 291.

Trespass on lands appurtenant to prisons, disturbance of prisons and illicit communication with prisoners. St. 1885, 303. And illicit conveyance of articles to or from the men's reformatory prison. St. 1887, 339. Offences under election laws. St. 1898, 548 §§ 377-416. (See 1892, 330; 1893, 417 §§ 309-344; 1894, 437; 1895, 237 § 2; 1897, 530.) Standard record inks. St. 1898, 510.

Commitments for contempt may be made to any jail and served in any county. St. 1886, 224.

SECT. 1. Penalty modified. St. 1892, 123.

SECTS. 9, 10 are extended. St. 1891, 349; 1892, 416.

SECTS. 11, 12 extended to county officers. St. 1893, 271.

SECT. 26. See St. 1898, 389.

Chapter 206.—Of Offences against the Public Peace.

SECT. 13 amended. Penalty increased. St. 1897, 385.

Chapter 207.—Of Offences against Chastity, Morality, and Good Order.

Punishments are provided: For keeping or resorting to a place where opium is used. St. 1885, 73; 1895, 194. For the exhibition of deformed persons. St. 1884, 99. For unnatural and lascivious acts. St. 1887, 436. For sending to, or detaining in, a house of ill-fame any female as an inmate or servant. St. 1888, 311. For immoral shows or entertainments. St. 1896, 339. Violating a park regulation. St. 1896, 199.

SECT. 2. Further provision made against seduction, unlawful intercourse and assistance thereto. St. 1886, 329; 1888, 311. (See 1898, 444.)

SECT. 9. The dying declarations of the woman are admissible in evidence. St. 1889, 100. (See 1898, 535.)

SECT. 15 is extended and revised. St. 1894, 433; 1895, 162. (See 1890, 70.)

The gift, sale or distribution, to or by minors, of papers devoted to criminal news is punishable. St. 1885, 305.

SECTS. 20, 29, 34, 35. Disorderly or indecent speech or behavior in public conveyances is punishable. St. 1883, 102.

SECT. 22 is extended to licensed picnic groves. St. 1887, 445. (See 1885, 309.)

SECT. 23. Wilful disturbance of persons in a public library or reading room is made an offence. St. 1885, 225. (See 1893, 417 §§ 309-344; 1895, 237 § 2.)

SECTS. 25-28 are repealed, and new provisions made as to proceedings and punishments in cases of drunkenness. St. 1891, 427; 1892, 303; 1893, 414, 447. (See 1885, 365, 375; 1886, 323 § 2; 1888, 377; 1891, 356; 1892, 160, 200.)

SECT. 29. Neglect to support wife or minor children is punishable. St. 1885, 176; 1893, 262. (See 1882, 270; 1884, 210.)

SECTS. 29-42. Sentences under these sections regulated. St. 1884, 258; 1885, 365; 1886, 323; 1892, 303; 1893, 447; 1895, 445 § 3; 1898, 443. (See 1887, 264; 1888, 49.)

Peddling or begging by minors is punishable. St. 1887, 422.

SECT. 38 is revised. St. 1896, 385.

SECTS. 49, 50. Removing flowers or memorial tokens from graves, etc., without authority is punishable. St. 1888, 395.

SECTS. 52-54. The docking of horses' tails is forbidden under penalty. St. 1894, 461. (See 1889, 267.)

The payment of fines under these sections is regulated. St. 1889, 267; 1891, 304, 416; 1894, 461 § 4.

SECT. 69 is extended. St. 1895, 461. (See 1885, 316; 1893, 436.)

Chapter 208. — Of Offences against Public Health.

Penalties are provided for: Sale or gift of cigarettes, snuff or tobacco to children under sixteen; St. 1886, 72. Feeding, or keeping with intent to feed, garbage, offal, etc., to milch cows and certain food animals; St. 1889, 326; 1895, 385. Sale of clothing made in unhealthy places; St. 1894, 508. (See 1891, 357; 1892, 296; 1893, 246; 1898, 150.) Manufacture or sale of toys or confectionery containing arsenic; St. 1891, 374. Pollution of water supplies; St. 1884, 172; 1897, 510 § 6. (See 1890, 441 § 5.) Refusing to furnish a water supply in certain cases; St. 1898, 168. Neglect, after notice by board of health, to repair private drain in street; St. 1893, 312. Adulteration of food or drugs; St. 1882, 263; 1884, 289; 1886, 171; 1896, 397 § 19; 1897, 344. (See 1883, 263.) (As to milk and butter, see 1884, 310; 1885, 352; 1886, 317, 318; 1896, 264, 398.) Using certain coloring matter in sausages; St. 1898, 193. Making or issuing a false or fraudulent certificate or prescription for sale of intoxicating liquor or medicines; selling intoxicating liquor or drugs by an unregistered pharmacist; and adulterating drugs; St. 1896, 397 §§ 16-19. Unlawfully advertising as a physician or a surgeon; St. 1894, 458 § 10; 1895, 412. Breach of regulations for bakeries; St. 1896, 418 § 6. Nuisance by smoke in certain cities; St. 1895, 389. (See 1893, 353, 396 § 40; 1898, 298.)

SECTS. 5, 6. The regulations as to sale of poisons are revised. St. 1896, 397 § 20; 1898, 192. (See 1885, 313; 1887, 38; 1888, 209; 1893, 227, 472.)

Chapter 209. — Of Offences against Public Policy.

It is made unlawful to display a flag or emblem of a foreign country on a public building or schoolhouse, except on certain conditions. St. 1895, 115.

Provisions to prevent lotteries and policy lotteries. St. 1892, 409; 1895, 419. As to standard record inks. St. 1898, 510.

A penalty is imposed for having in possession or wearing the body or feathers of a bird whose killing is prohibited by law. St. 1897, 524; 1898, 339.

Property shall not be sold or exchanged under the inducement of any gift or prize. St. 1884, 277; 1898, 576.

Pretending, in writing, to hold a degree of a college or school, or the approval of a college or professional school of a person, process, treatment or goods, and granting degrees without authority, are made offences. St. 1893, 355. (See 1883, 268.) Unlawful posting of advertising signs. St. 1898, 500.

Influencing or intimidating voters, and coercing or compelling a person,

as a condition of employment, to agree not to join a labor organization are made offences. St. 1894, 508 §§ 3, 5, 58, 78. (See 1892, 330; 1893, 417 §§ 309-344; 1894, 437; 1895, 237 § 2; 1897, 530; 1898, 435 § 2, 505 § 2.)

SECTS. 11-13. See St. 1892, 167.

Chapter 210.—Of Felonies, Accessories, Abettors and Attempts to commit Crimes.

Sentences are regulated. St. 1885, 365; 1886, 323; 1887, 435; 1889, 113; 1890, 316; 1891, 200; 1895, 218, 469, 504; 1897, 294. (See 1896, 304.)

Chapter 211.—Of Proceedings to prevent the Commission of Crime.

SECTS. 4, 5 amended. Magistrate may impose sentence in case of conviction. St. 1894, 505.

The court may revoke an order requiring recognizance or reduce the amount. St. 1896, 388.

SECT. 6 extended to all criminal cases. St. 1890, 440 § 13. (See 1890, 256.)

SECTS. 13, 16, 17. See St. 1893, 396 § 41.

Chapter 212.—Of Search Warrants, Rewards, Arrests, Examination, Bail and Probation.

Police matrons are provided for in certain cities. St. 1887, 234; 1888, 181.

Male and female prisoners shall not be carried to or from court together in certain cities. St. 1894, 273.

Provisions in regard to arrest of children under twelve. St. 1882, 127.

SECT. 2. Tickets and other materials for pool selling are added. St. 1885, 342 § 2. Also personal property, insured against fire, concealed to defraud an insurance company. St. 1890, 284. (See 1890, 452.)

Property seized under St. 1890, 284, shall be disposed of as the court orders. St. 1890, 452.

SECTS. 5-10 applied to property seized in pool rooms, gaming houses and opium joints. St. 1894, 410; 1895, 194. (See 1885, 73, 342 § 2; 1887, 448 § 2; 1895, 419.)

SECT. 9 is extended to gaming apparatus and certain other articles. St. 1885, 66.

SECTS. 14-15. See St. 1893, 396 § 42. If magistrate deems complaint unfounded, frivolous or malicious, he may refuse fees to complainant. St. 1890, 440 § 13.

SECT. 16. A summons shall issue instead of a warrant "unless there is reason to believe that the accused will not appear upon a summons." St. 1890, 225.

SECTS. 17, 20. Warrants and other criminal process may be directed to and served by officers in any county. St. 1886, 247. See 1895, 380.

SECT. 22. See St. 1898, 411.

SECT. 26. On adjourning a trial or examination where the offence is punishable with death or imprisonment for life, material witnesses for the

government may be bound over according to sections 37-41 of this chapter. St. 1885, 136.

SECT. 34. See St. 1898, 381.

Another justice may complete adjourned proceedings. St. 1883, 175.

SECTS. 36-40. Provision for detention of witnesses in cases of felony, pending pursuit and apprehension of offender. St. 1892, 361. (See St. 1893, 396 § 48.) Provision made for treatment of witnesses in custody. St. 1894, 160, 270. And for their compensation. 1894, 406.

SECTS. 37-41. See St. 1885, 136 § 2.

SECT. 46 amended, and sects. 49 and 50 revised. St. 1898, 411.

SECT. 51. The latter clause of this section, forbidding justices to receive compensation for taking bail, is repealed. St. 1885, 135.

SECT. 68. Money may be deposited with any officer authorized to take recognizance. St. 1882, 134.

SECTS. 74-78 repealed, and new provisions made as to probation. St. 1891, 356, 427; 1892, 242; 1894, 229, 368, 372; 1897, 236, 266; 1898, 511. (See 1882, 125; 1892, 276, 303.)

SECT. 81 amended. St. 1886, 101 § 4; 1898, 433 § 28, 443.

Chapter 213. — Of Indictments, Prosecutions and Proceedings before Trial.

SECT. 1. See St. 1897, 490 § 7.

SECT. 15. See St. 1887, 367; 1895, 390; 1896, 482; 1898, 433.

SECT. 16 *et seq.* See St. 1886, 328 § 2; 1887, 436.

SECT. 17 repealed and a substitute passed. St. 1886, 53. (See 1885, 144.)

SECTS. 15, 30. The support of such insane persons is to be paid by the State. St. 1883, 148; 1889, 90. (See 1894, 214 § 3.)

SECT. 28 *et seq.* The superior court has exclusive original jurisdiction in capital cases. St. 1891, 379. (See 1893, 324, 365, 394.)

SECTS. 29, 30 repealed. St. 1891, 379 § 14.

SECTS. 33-35. Police officers may serve subpoenas when requested by district attorney. St. 1890, 440 § 6.

SECT. 35. In cases of felony, witnesses committed may be held a reasonable time pending pursuit and apprehension of the offender. St. 1892, 361. (See 1893, 396 § 48; 1894, 160, 270, 406.)

SECT. 38 not affected by St. 1891, 379 § 4. St. 1893, 365.

SECT. 43. See St. 1890, 437 § 3.

Chapter 214. — Of Trials and Proceedings before Judgment.

SECT. 1. Order of trials in criminal cases regulated. St. 1884, 193; 1889, 432.

SECTS. 5, 6. When two or more persons are tried together the Commonwealth may challenge as many as the defendants. St. 1895, 120.

SECT. 16. See St. 1887, 367.

SECTS. 16, 19, 20. The support of such insane person is to be paid by the State. St. 1883, 148; 1889, 90. (See 1895, 390; 1896, 482; 1898, 433.)

SECT. 21 amended. St. 1895, 390 § 7.

SECT. 22. See St. 1890, 256.

SECTS. 25, 26. See St. 1895, 419 § 6.

Chapter 215.—Of Judgment and Execution.

Sentence shall be imposed notwithstanding exceptions or appeal. St. 1895, 469.

Provision made for the ascertainment and punishment of habitual criminals. St. 1887, 435. And for registration and identification of certain criminals. St. 1890, 316.

Warrants for commitment for non-payment of fines regulated. St. 1891, 416 § 2.

Sentences to State prison regulated. St. 1895, 504; 1897, 294; 1898, 371. (See 1895, 469; 1898, 240.)

And to Suffolk county reformatory. St. 1896, 536.

And to the State Farm. St. 1882, 127; 1884, 258; 1898, 443. (See 1884, 297; 1886, 101 § 4; 1898, 433 § 28.)

Commitment may be made at same time on several sentences. St. 1884, 265.

Convicts may be sent to jail, houses of correction, or Suffolk reformatory, and may be transferred from one to the other. St. 1882, 241; 1895, 224; 1896, 521, 536 § 7. (See 1896, 317.) May be employed in State industrial camp. St. 1898, 393.

Prisoners in State institutions shall not be employed outside the precincts of such institution in any mechanical or skilled labor for private parties. St. 1891, 209. May prepare road materials for State highways. St. 1898, 365.

SECTS. 2, 5. Taxing costs against defendants in criminal cases is restricted and payment of expenses regulated. St. 1890, 440; 1891, 325.

Expense of serving warrant of commitment shall be deemed part of expense of prosecution. St. 1890, 328.

SECT. 8. Not to apply to sales of intoxicating liquor by unregistered pharmacists in name of one who is registered. St. 1893, 472. (See 1896, 397.)

SECT. 15. Sentences of women regulated. St. 1889, 113; 1895, 218. (See 1887, 426; 1896, 304, 317.)

SECT. 18 is revised. St. 1882, 127.

SECT. 22. A prisoner in the Massachusetts reformatory may be sent to State prison or house of correction on conviction of an offence punishable by imprisonment therein. St. 1891, 200. (See 1895, 273.)

SECTS. 32, 33, 37-39 are repealed. Infliction of death penalty by electricity is established and regulated. St. 1898, 326.

Chapter 216.—Of Fire Inquests.

This chapter is repealed, and the laws as to fire inquests revised. St. 1894, 444; 1896, 303. (See 1886, 296; 1887, 214; 1888, 199; 1889, 451; 1891, 229; 1895, 452; 1898, 160.)

Chapter 217.—Of Fines, Forfeitures and Costs.

SECT. 1. See St. 1887, 438 § 5; 1890, 440 § 5; 1891, 416.

Expense of serving warrant of commitment shall be deemed a part of expense of prosecution. St. 1890, 328.

SECT. 4. See St. 1890, 440 § 2; 1898, 204, 416.

SECT. 6. See St. 1890, 353.

SECTS. 8, 9. Taxation, certification and payment of costs and fines regulated. St. 1890, 218, 440; 1891, 236, 392, 416; 1892, 200; 1893, 396 §§ 53, 62. (See 1889, 469; 1898, 204.)

SECT. 13 repealed. St. 1890, 218 § 3.

SECT. 15 is repealed, and method of accounting for moneys received under section 14 established. St. 1891, 416.

Chapter 218.—Of Fugitives from Justice and Pardons.

SECT. 6 repealed. Payment of expenses of requisitions regulated. St. 1886, 267.

SECT. 14. Sentences after breach of condition of a pardon regulated. St. 1882, 197.

Chapter 219.—Of the Commissioners of Prisons.

The commissioners shall make reports to the governor at least once in six months. St. 1893, 428. (See 1898, 366.) Shall make special rules for treatment of witnesses held in custody. St. 1894, 270. (See 1892, 361; 1894, 160, 273, 406.)

They may provide for surgical treatment of prisoners. St. 1882, 207. They shall provide for exercise for unemployed prisoners. St. 1895, 146. And for medical supervision of prisoners in solitary cells in county prisons. St. 1895, 195. And for teaching certain prisoners to read and write. St. 1895, 259.

Powers and duties of commissioners in regard to the reformatory prescribed. St. 1884, 255, 331; 1886, 323 § 4; 1888, 317; 1894, 249. As to release on parole of prisoners in State prison. St. 1894, 440; 1895, 252, 504; 1897, 206, 272. (See 1888, 192.) As to approval of bills, see St. 1884, 255 § 30; 1888, 337, 403 § 7; 1889, 294.

The governor may remove commissioners at pleasure. St. 1893, 453.

Registration and measurement of certain convicts provided for. St. 1890, 316. (See 1892, 313.)

The authorities of State of Vermont are granted permission to detain in and transport through the State convicts sentenced in Vermont. St. 1892, 423.

SECT. 3. Secretary's salary fixed. St. 1886, 275. (See 1884, 331 § 4.)

SECT. 4. Removal and transfer of prisoners regulated. St. 1882, 207, 241; 1884, 255 §§ 12-18; 1885, 35, 320; 1887, 292, 375; 1888, 192; 1890, 180, 278; 1894, 214, 249; 1895, 273; 1898, 393 § 7. (See 1894, 273; 1896, 317, 521.)

State prison convicts may be graded and classified. St. 1892, 267. (See 1891, 372.)

SECT. 6. Vagrants and tramps may be removed to the State farm. St. 1885, 35 § 1. (See 1887, 264; 1896, 385.)

SECT. 7 amended. St. 1886, 101 § 4; 1898, 433 § 28. (See 1898, 443.)

SECT. 14 *et seq.* Labor in prisons and employment of prisoners regulated. St. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371; 1894, 451, 460; 1897, 412, 434, 480; 1898, 259, 277, 307, 334, 365, 393. (See 1895, 146, 259.)

SECTS. 17, 18 repealed. St. 1888, 403 § 6.

SECT. 24. Sentence may be to reformatory prison for women. St. 1894, 260. (See 1895, 218.)

SECTS. 26-30. Additional agents authorized and provisions for aiding discharged prisoners. St. 1886, 177; 1887, 315, 336, 395; 1888, 417; 1895, 383; 1897, 350. (See 1888, 322, 330.)

SECT. 32. See St. 1889, 245; 1895, 449.

SECTS. 34, 35 *et seq.* Reports and returns are regulated. St. 1882, 226; 1891, 187, 236, 392, 416; 1892, 290 § 2; 1898, 277.

SECT. 36 repealed. St. 1882, 226 § 3.

SECT. 39. Allowance made for clerical assistance. St. 1888, 328; 1895, 431. (See 1885, 52.)

Chapter 220. — Of Jails and Houses of Correction.

Provision for a State industrial camp for certain convicts. St. 1898, 393.

An act relative to the Suffolk county reformatory, house of correction and Boston house of industry. St. 1896, 536.

Police matrons and stations for the detention of women are required in certain cities. St. 1887, 234; 1888, 181.

Carrying male and female prisoners together to and from court is forbidden in certain cities. St. 1894, 273.

A general superintendent of prisons is provided for. St. 1887, 447 § 6; 1895, 322. (See 1888, 403; 1891, 228; 1894, 451, 460; 1897, 412, 434, 480; 1898, 307, 334, 365, 393.)

And medical supervision in certain cases. St. 1895, 195.

Sentences to State farm regulated. St. 1882, 127; 1884, 258; 1898, 443. (See 1887, 264; 1894, 214; 1898, 433.)

SECT. 2. The sheriff may transfer prisoners between jails and houses of correction. St. 1882, 241. (See 1890, 278; 1896, 521.)

Provision for removal of sick prisoners to State farm. St. 1894, 214.

SECT. 11 *et seq.* An institution commissioner substituted for directors for public institutions of Boston. St. 1895, 449 § 14. (See 1885, 266; 1889, 245; 1896, 521, 536; 1897, 395, 451; 1898, 496 §§ 29, 35, 580.)

SECTS. 13, 14. Contract labor is forbidden in certain prisons. St. 1887, 447; 1888, 22. (See 1888, 403; 1894, 451; 1897, 412.) And employment of prisoners for private parties outside of prison precincts. St. 1891, 209. They may be employed to prepare road materials for State highways. St. 1898, 365, 393.

SECT. 19. See St. 1891, 426.

SECT. 23. See St. 1890, 215; 1894, 349.

SECT. 29. See St. 1890, 328.

SECT. 36. The requirement of whitewashing is stricken out. St. 1886, 226.

SECT. 40 *et seq.* Labor in prisons and employment of prisoners are regulated. St. 1883, 217; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371; 1894, 451, 460; 1897, 412, 434, 480; 1898, 259, 277, 307, 334, 365, 393. (See 1895, 146, 259.)

SECT. 46. Provision made for teaching certain illiterate prisoners to read and write. St. 1895, 259.

SECT. 49. Clerical error corrected. St. 1882, 6 § 4.

SECT. 50. Escapes of prisoners employed outside are punishable. St. 1882, 198. (See 1885, 94.)

SECT. 53 *et seq.* Invoice books of supplies must be kept. St. 1890, 296. (See 1889, 294.)

SECTS. 54, 55. The purchase of tools, materials, machinery, etc., and sale of manufactured goods provided for and regulated. St. 1887, 447; 1888, 403 § 3; 1891, 228. (See 1891, 371; 1898, 365.)

Funds not required for immediate use must be deposited. St. 1890, 215.

Payment of funds regulated. St. 1893, 270.

SECT. 65. See St. 1890, 296.

SECTS. 66, 68. Further provisions made as to release of prisoners on probation. St. 1884, 152, 255 §§ 33, 34; 1886, 323 § 4; 1888, 317; 1894, 440; 1895, 252, 504; 1897, 206, 272, 294; 1898, 240, 371. (See 1888, 192.)

SECT. 68 amended. St. 1886, 101 § 4; 1898, 433 § 28. (See 1898, 443.)

SECT. 69 applies to St. 1891, 356. (See 1898, 511.)

Chapter 221.—Of the State Prison and the Reformatory Prison for Women.

A general superintendent of prisons is provided for. St. 1887, 447 § 6; 1895, 322. (See 1888, 403; 1891, 228; 1894, 451, 460; 1897, 412, 434, 480; 1898, 307, 334, 365.)

The prison at Concord is made a reformatory prison for men, and the State prison is re-established at Boston. St. 1884, 255, 331. (See 1885, 356, 365; 1886, 323; 1888, 49; 1891, 215, 372 § 2; 1893, 441; 1898, 307. Res. 1890, 55; 1894, 109.)

Sentences to State prison regulated. St. 1895, 504; 1897, 294; 1898, 371. (See 1895, 469; 1896, 344; 1898, 240.)

Permits to be at liberty authorized and regulated. St. 1884, 152, 255 §§ 33, 34; 1887, 435 §§ 2, 3; 1888, 192, 317; 1894, 440; 1895, 252, 504; 1897, 206, 272; 1898, 240, 371.

Sentences to the men's reformatory are regulated. St. 1885, 365; 1886, 323; 1888, 49; 1891, 427 § 5; 1892, 302, 303; 1893, 447. (See 1884, 255 §§ 8-11, 33-35; 1885, 35, 320, 356; 1891, 200; 1898, 496 § 30.)

Sentences of prisoners in the reformatory, convicted of offences punishable by imprisonment in the State prison or house of correction, are regulated. St. 1891, 200. (See 1892, 302.)

The description and measurement of convicts by the "Bertillon" system are provided for. St. 1890, 316.

Removals and transfers of prisoners regulated. St. 1882, 207, 241; 1884, 255 §§ 12-18; 1885, 35, 320; 1887, 292, 375; 1888, 192; 1890, 180, 278; 1891, 200; 1894, 214, 249; 1895, 273. (See 1894, 273.)

Labor in prisons and employment of prisoners regulated. St. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371; 1894, 451, 460; 1897, 412, 434, 480; 1898, 259, 307, 334, 365, 393. (See 1895, 146, 259.)

The purchase of machinery, tools and materials and sale of manufactured goods are regulated. St. 1887, 447 §§ 3, 4; 1888, 403 § 3; 1891, 228; 1897, 412; 1898, 259, 334.

Convicts may be punished for wilful or wanton destruction of property. St. 1891, 295; 1896, 344.

The illicit conveyance of articles to or from the men's reformatory is made punishable. St. 1887, 339. And trespass on prison lands and disturbance of prisons and illicit communication with prisoners. St. 1885, 303.

Provision for removal of persons and property unlawfully on prison premises. St. 1895, 141.

SECTS. 6, 7 repealed. St. 1882, 203 § 4.

SECT. 6 *et seq.* List of officers revised, and compensation fixed. St. 1889, 412; 1893, 456; 1894, 370, 477. (See 1882, 203; 1884, 95; 1887, 355; 1888, 264; 1893, 455; 1894, 349, 477.)

And of the officers of the reformatory prison for men. St. 1890, 255; 1893, 333. (See 1884, 255 §§ 19-21; 1888, 335; 1889, 408; 1890, 267; 1894, 349.)

The removal of subordinate officers is regulated. St. 1887, 355; 1890, 267. (See 1888, 264; 1889, 412.) Subordinates must give bond and be sworn. St. 1893, 426. May be transferred to service as watchmen. St. 1894, 349.

SECT. 8 amended. St. 1887, 355.

SECT. 23 to govern inspector of industries when serving as warden. St. 1894, 477.

SECT. 25 *et seq.* Provision made for grading and classifying prisoners in the State prison. St. 1892, 267. (See 1891, 372.)

SECT. 27 amended. Words "or printing" stricken out. St. 1888, 189.

SECT. 30. Schools for the prisoners provided for. St. 1886, 197. (See 1895, 259; 1898, 365, 393.)

SECT. 43 *et seq.* List of officers revised. St. 1883, 267; 1884, 43; 1887, 341; 1888, 327; 1897, 329. Female convicts of the United States courts are to be sent to the reformatory for women. St. 1887, 426; 1896, 304. (See 1894, 260; 1895, 218, 273; 1896, 344.) Additional land taken for reformatory. St. 1885, 287; 1889, 463; 1894, 407. (See 1895, 141.)

Prisoners may be employed on land or in building appurtenant to reformatory. St. 1885, 94. (See 1884, 255 § 32; 1898, 307.)

Transfers and removals of female prisoners regulated. St. 1888, 192; 1896, 317. (See 1894, 273; 1895, 273.)

Escapes and attempts to escape are made punishable. St. 1885, 94. (See 1882, 198; 1884, 255 § 32; 1898, 307.)

A burial place is provided for. St. 1882, 213.

A sewerage system is provided for. St. 1887, 403; 1892, 211.

SECT. 44. See St. 1883, 267; 1884, 43.

SECT. 52. Further provisions made as to permits. St. 1884, 152, 255; 1887, 435; 1888, 192, 317; 1894, 440; 1895, 252, 504; 1897, 206, 272; 1898, 240, 371.

SECTS. 54, 55. Method of approval of bills and contracts changed. St. 1888, 403 § 7; 1889, 294. (See 1883, 267; 1884, 255 §§ 28, 30; 1887, 447; 1888, 22, 337; 1898, 259.)

Chapter 222. — Special Provisions concerning Penal and Other Public Institutions.

Masters of jails having public funds must deposit all not required for immediate use. St. 1890, 215.

Payment of funds regulated. St. 1893, 270.

No prisoner in any State institution shall be employed outside in mechanical or skilled labor for private parties. St. 1891, 209.

Prisoners or inmates of institutions suffering from syphilis shall have medical treatment and may be isolated. St. 1891, 420. (See 1895, 400.)

Surgical treatment and medical treatment provided for in certain cases. St. 1882, 207; 1895, 195. And exercise for unemployed prisoners. St. 1895, 146. And teaching certain illiterate prisoners to read and write. St. 1895, 259.

Convicts may be punished for wilful destruction of property. St. 1891, 295; 1896, 344.

Act relative to expenses of and receipts from prison industries. St. 1898, 259, 277, 334. (See 1898, 307, 365, 393.)

SECT. 3. See St. 1895, 195.

SECT. 10. Further provisions concerning removal of insane prisoners in the reformatory for men. St. 1885, 320; 1895, 390.

SECTS. 10, 11, 25. See St. 1886, 101 § 4; 1898, 433 § 28, 443.

SECTS. 10, 12, 14. See St. 1886, 219; 1887, 367; 1895, 390; 1896, 482.

SECT. 17. A trial justice may act, if there is no police or district court in the county. St. 1882, 201.

SECT. 20 does not apply to persons sentenced to the reformatory. St. 1886, 323 § 7. Provision for special deductions at State farm. St. 1894, 258. (See 1887, 264.)

SECTS. 20, 21. Form of sentences to State prison modified. St. 1895, 504; 1897, 294; 1898, 240, 371. Releases on probation are further regulated. St. 1884, 152, 255 §§ 33, 34; 1887, 435 § 2; 1888, 192, 317; 1894, 440; 1895, 252, 504; 1897, 206, 272; 1898, 240, 371, 496 § 29.

SECT. 25. See St. 1891, 420 § 2.

Glossary.

The relations of avoirdupois and troy pounds are fixed. St. 1894, 198 § 1.

II.

CHANGES IN THE GENERAL STATUTES

PASSED SINCE THE ENACTMENT OF THE
"PUBLIC STATUTES."

[The changes are more fully stated in Table I., under the appropriate chapter of the Public Statutes.]

Statutes of 1882.

Chap.

- 28 Repealed, 1890, 423. (See 1885, 108.) P. S. 7.
- 29 Repealed, 1886, 66. P. S. 5.
- 36 Amended, 1888, 114. (See 1894, 389, 422.) P. S. 52.
- 41 § 2 superseded, 1887, 163 § 2. P. S. 154.
- 43 Affected, 1885, 132; 1896, 396 § 63. P. S. 154.
- 49 Amended, 1894, 130. (See 1896, 162.) P. S. 2, 77, 160.
- 50 Repealed, 1894, 317. P. S. 116.
- 63 Superseded, 1886, 307. P. S. 154.
- 65 Repealed, 1885, 247. P. S. 91.
- 74 Repealed, 1884, 299 § 44. P. S. 7.
- 76 Superseded, 1888, 363. (See 1887, 228.) P. S. 11.
- 77 Repealed, 1894, 317. (See 1883, 258 § 2; 1884, 72; 1886, 300; 1887, 214 § 95.) P. S. 116.
- 87 Superseded, 1886, 167. P. S. 154.
- 94 Superseded, 1882, 225. P. S. 112.
- 95 See 1893, 396 §§ 25-29. P. S. 154.
- 97 Superseded, 1887, 411 § 23. P. S. 14.
- 98 See 1884, 212; 1885, 256; 1887, 314; 1889, 109; 1890, 293; 1891, 122; 1893, 183. P. S. 91.
- 102 Amended, 1884, 245. P. S. 91.
- 103 Affected, 1883, 109 § 1; 1895, 106 § 2. P. S. 19.
- 106 Amended, 1883, 74. Affected, 1884, 330 § 3; 1886, 230; 1891, 341; 1894, 381, 541; 1895, 157, 311. P. S. 13, 105.
- 108 § 1 amended, 1888, 313. P. S. 53.
- 111 Repealed, 1886, 38. P. S. 16.
- 112 Affected, 1894, 67. P. S. 16.
- 125 Repealed, 1891, 356. P. S. 112.

Statutes of 1882 — *Continued.*

- Chap.
- 127 § 2 amended, 1886, 101 § 4; 1898, 433 § 28. P. S. 89.
- 129 Superseded, 1893, 469. (See 1886, 184; 1889, 251.) P. S. 158.
- 131 See 1892, 43. P. S. 1.
- 135 Shall not apply to provisions of 1890, 428. (See 1885, 194.) P. S. 112.
- 139 Extended, 1883, 252; 1889, 197; 1896, 476. P. S. 18, 159.
- 144 Superseded, 1893, 469. (See 1891, 91.) P. S. 158.
- 146 Affected, 1886, 15. P. S. 154.
- 148 Repealed, 1894, 317. (See 1886, 252; 1889, 77, 321; 1892, 248.) P. S. 116.
- 149 See 1895, 356; 1896, 78. P. S. 112.
- 150 Repealed, 1894, 508. P. S. 74.
- 154 § 1 amended, 1890, 240. § 7 extended, 1895, 450 § 4. Affected, 1884, 226; 1893, 300, 407, 416 § 11; 1896, 199, 313. (See 1887, 411 §§ 90, 108; 1893, 75, 225, 367 §§ 90, 108; 1897, 379, 428.) P. S. 27, 28.
- 157 Affected, 1888, 289. P. S. 17.
- 158 Superseded, 1889, 440 § 10. P. S. 4.
- 163 Affected, 1886, 296 § 3. 1897, 254 §§ 3, 9. P. S. 35, 203.
- 165 Amended, 1887, 125. P. S. 11.
- 166 § 1 amended, 1884, 317. (See 1883, 121; 1893, 201; 1895, 88; 1897, 110.) P. S. 91.
- 176 In part repealed, 1884, 197; 1887, 117; 1894, 470. P. S. 154.
- 178 Superseded, 1887, 411 § 127. P. S. 14.
- 179 Superseded, 1887, 411 § 124. Res. 1890, 67. P. S. 14.
- 181 §§ 1, 2, 3 amended, 1886, 101 § 4; 1898, 433 § 23. § 3 amended, 1886, 330; 1888, 248; 1898, 496 § 35, 580. Affected, 1883, 232; 1892, 318; 1893, 217, 252; 1896, 382; 1898, 433. (See 1889, 309, 416.) P. S. 48, 86.
- 182 Superseded, 1896, 380. P. S. 28.
- 195 § 1 repealed, 1888, 449 § 21. (See 1894, 367, 522.) P. S. 119.
- 196 Repealed, 1888, 24; 1897, 114. P. S. 5.
- 198 Affected, 1884, 255 § 32; 1898, 307. P. S. 221.
- 199 Affected, 1883, 169; 1898, 181. (See 1886, 276 § 11.) P. S. 92.
- 200 Repealed, 1894, 317. (See 1886, 77.) P. S. 116.
- 203 Repealed, 1888, 264 § 3; 1889, 412. (See 1884, 95; 1887, 355.) P. S. 221.
- 205 Repealed, 1888, 274 § 3. P. S. 152.
- 208 Repealed, 1894, 481. (See 1883, 173; 1890, 90; 1892, 419 § 138.) P. S. 104.
- 212 Affected, 1883, 105; 1885, 327; 1887, 31, 212; 1888, 333; 1889, 111; 1894, 143, 144; 1895, 57, 421; 1896, 254, 297; 1897, 117. § 2 amended, 1888, 333. § 6 affected, 1885, 327. (See 1888, 296.) P. S. 20.
- 213 See 1885, 287. P. S. 221.
- 215 See 1890, 440 § 7; 1898, 204. P. S. 199.
- 217 § 1 amended, 1888, 323. (See 1889, 465; 1890, 160 §§ 2, 3.) P. S. 11.

Statutes of 1882 — Continued.

Chap.

- 218 Affected, 1890, 127. P. S. 11.
- 219 Affected, 1884, 122. P. S. 45.
- 220 Limited, 1894, 129. P. S. 100.
- 223 Amended, 1893, 194, 280. P. S. 146.
- 224 Repealed, 1890, 168. (See 1883, 202; 1886, 95.) P. S. 116.
- 225 Extended, 1894, 469. P. S. 112.
- 226 § 2 affected, 1892, 290. P. S. 219.
- 227 § 3 amended, 1883, 75; 1889, 122. P. S. 154.
- 231 Repealed, 1887, 423. (See 1885, 124.) P. S. 116.
- 232 § 1 amended, 1886, 37 § 2; 1890, 294. Affected, 1897, 342. (See 1888, 357, 371; 1891, 181.) P. S. 159.
- 233 Amended, 1886, 165; 1898, 214. § 2 affected, 1889, 312. § 6 in part superseded, 1889, 19; 1892, 93; 1893, 479; 1898, 358. P. S. 154.
- 237 Extended, 1885, 283. Amended, 1890, 427 § 1. Affected, 1893, 340. (See 1889, 442; 1897, 522; 1898, 562 § 85.) P. S. 176.
- 239 Superseded, 1894, 412. P. S. 153.
- 241 See 1884, 255 §§ 12-18; 1885, 35; 1887, 292, 375; 1888, 192; 1895, 273; 1896, 317, 521, 536; 1898, 393. P. S. 219.
- 242 Affected, 1885, 90. P. S. 100.
- 243 Repealed, 1888, 390 § 95. P. S. 12.
- 244 Affected, 1886, 125; 1887, 270 § 6. Extended, 1890, 181. P. S. 112, 115.
- 245 § 1 superseded in part, 1884, 204; 1886, 15, 37, 123, 130, 166; 1887, 180; 1888, 195; 1889, 97, 158, 174, 218, 277, 289; 1891, 71, 78, 107, 108, 161, 162, 190; 1892, 100; 1893, 479; 1897, 390; 1898, 388. § 2 superseded, 1887, 160; 1892, 233. P. S. 154, 159.
- 246 Affected, 1885, 345 § 6. P. S. 40.
- 247 Repealed, 1884, 298 § 53. P. S. 6.
- 249 Superseded, 1895, 234 § 5. P. S. 187.
- 250 Repealed, 1885, 122. P. S. 102.
- 251 Affected, 1883, 98; 1896, 277, 285, 286, 327, 361; 1898, 247. Amended, 1885, 121. In part repealed, 1887, 216. (See 1895, 172.) P. S. 117.
- 252 Repealed, 1892, 419 § 138. P. S. 11, 104.
- 253 Superseded, 1891, 396; 1896, 519. P. S. 9.
- 255 See 1896, 190. P. S. 49.
- 257 § 1 superseded, 1894, 394. §§ 2, 3 superseded, 1895, 193. (See 1884, 334; 1887, 116.) § 4 affected, 1895, 11. P. S. 2.
- 258 See 1894, 180. P. S. 102.
- 259 See 1894, 388; 1896, 169. P. S. 100.
- 260 Repealed, 1890, 423 § 228. (See 1889, 413.) P. S. 7.
- 263 Amended, 1883, 263 § 1; 1884, 289; 1886, 171; 1897, 344; 1898, 433 § 28. Affected, 1885, 352 § 5; 1886, 317, 318; 1891, 319; 1896, 397. § 5 amended, 1886, 101 § 5. P. S. 208.
- 264 § 1 affected, 1888, 257; 1889, 433. P. S. 168.
- 265 § 3 affected, 1884, 279. P. S. 112.

Statutes of 1882 — Concluded.

- Chap.
 266 Repealed, 1894, 481. (See 1887, 218, 276; 1888, 426.) P. S. 104.
 268 Repealed, 1884, 298 § 53. P. S. 6.
 270 § 3 amended, 1886, 101 § 4; 1898, 433 § 28. In part repealed,
 1892, 318 § 16. § 4 amended, 1884, 210; 1885, 176; 1893, 262.
 (See 1889, 309, 416; 1891, 194.) P. S. 48.
 272 Affected, 1884, 76. P. S. 102.
 274 § 2 repealed, 1883, 183 § 3. P. S. 94.

Statutes of 1883.

- 14 Affected, 1887, 178; 1892, 353; 1893, 51. P. S. 103.
 31 Affected, 1895, 88. P. S. 91.
 33 Repealed, 1887, 214 § 112. (See 1884, 120.) P. S. 119.
 36 Repealed, 1886, 276 § 11. P. S. 92.
 41 § 1 affected, 1887, 86 § 2. P. S. 11.
 42 Repealed, 1890, 423 § 228. (See 1884, 299 §§ 29–32; 1886, 262;
 1888, 164.) P. S. 7.
 47 See 1885, 42 § 2, 137 § 2; 1888, 419 § 13; 1889, 170; 1893, 371;
 1895, 125; 1897, 183. P. S. 154.
 48 Superseded, 1887, 26. P. S. 15.
 52 Repealed, 1894, 317. (See 1883, 248; 1886, 77.) P. S. 116.
 53 Superseded, 1888, 235. P. S. 154.
 54 Superseded, 1886, 37; 1890, 294. P. S. 159.
 55 Superseded, 1891, 292; 1894, 393. (See 1885, 369 § 3; 1888, 85;
 1889, 440.) P. S. 4.
 57 Superseded, 1885, 155 § 5. P. S. 155.
 61 Affected, 1888, 180. P. S. 26.
 62 Affected, 1886, 281; 1888, 346. P. S. 183.
 65 See 1890, 440 § 9; 1896, 225; 1898, 282. P. S. 103.
 71 Superseded, 1892, 96. (See 1886, 73; 1889, 103.) P. S. 11.
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 91 Affected, 1887, 86; 1890, 242. (See 1891, 65.) P. S. 11.
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 97 § 3 superseded, 1894, 336. (See 1885, 180; 1888, 233; 1891, 107.)
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 98 Affected, 1885, 121; 1887, 216. P. S. 117.
 101 Repealed, 1888, 390 § 95. P. S. 12.
 105 Affected, 1887, 31; 1888, 333; 1894, 143, 144; 1895, 57; 1896,
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 107 Repealed, 1887, 214 § 112. P. S. 119.
 109 Affected, 1895, 106. P. S. 19.
 110 Amended, 1886, 101 § 4; 1898, 433 § 28. P. S. 89.
 113 Affected, 1883, 154. P. S. 1.
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- 124 Repealed, 1897, 437. (See 1887, 335; 1888, 302 § 2.) P. S. 32.
- 126 Repealed, 1887, 214 § 112. P. S. 119.
- 133 Superseded, 1889, 193. P. S. 80.
- 134 Repealed, 1894, 317. P. S. 116.
- 138 Amended, 1886, 101 § 4; 1893, 302; 1898, 433 § 28. (See 1884, 98.) P. S. 80.
- 142 Affected, 1889, 299. (See 1890, 264 § 3.) P. S. 82.
- 145 Affected, 1884, 237; 1886, 210. P. S. 50.
- 148 §§ 2, 3 amended, 1889, 90. (See 1898, 433.) P. S. 87.
- 156 Extended, 1893, 417 §§ 319, 327. (See 1887, 147; 1888, 436 § 28; 1889, 413 § 28; 1892, 351 § 44.) P. S. 203.
- 157 Limited, 1884, 275 § 4. Affected, 1887, 280; 1892, 357. (See 1888, 348; 1892, 83, 352.) P. S. 48, 74.
- 158 Repealed, 1897, 444 § 31. (See 1889, 288.) P. S. 32.
- 164 Repealed, 1886, 38. P. S. 16.
- 168 Affected, 1892, 331. (See 1890, 448.) P. S. 68.
- 169 Repealed, 1898, 181. P. S. 92.
- 173 Repealed, 1892, 419 § 138; 1894, 481. (See 1890, 90.) P. S. 104.
- 174 Superseded, 1898, 496 § 4. (See 1886, 236; 1887, 433 § 4; 1893, 208; 1894, 498.) P. S. 44.
- 175 Affected, 1890, 202. P. S. 155.
- 183 See 1885, 344; 1891, 266. P. S. 19.
- 187 Affected, 1884, 169; 1897, 292. (See 1893, 419; 1894, 181.) P. S. 102.
- 195 Extended, 1898, 374. P. S. 169.
- 202 Repealed, 1890, 168. P. S. 116.
- 203 Repealed, 1893, 417. (See 1886, 150.) P. S. 27.
- 216 Amended, 1886, 51; 1887, 289. (See 1888, 282.) P. S. 159.
- 217 Affected, 1887, 447 § 8; 1888, 189, 403 § 2; 1891, 371; 1897, 412, 434, 480; 1898, 259, 277, 334, 365, 393. (See 1894, 451.) P. S. 219, 220, 221.
- 218 Superseded, 1894, 429. (See 1884, 70.) P. S. 60.
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- 223 Affected, 1885, 384; 1891, 383. § 5 amended, 1884, 316; 1892, 440. § 7 amended, 1893, 61. § 16 extended, 1895, 116. § 17 affected, 1887, 383. P. S. 151, 152, 167.
- 224 Repealed, 1888, 348 § 12. (See 1884, 275; 1885, 222; 1887, 215, 280.) P. S. 48.
- 225 See 1888, 414; 1890, 465; 1894, 198. P. S. 65.
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- 230 Repealed, 1887, 94. P. S. 58.
- 232 Affected, 1893, 217, 252; 1894, 481. § 3 amended, 1886, 101 § 4; 1898, 433 § 28. (See 1886, 330 § 2; 1888, 248; 1896, 382.) P. S. 84, 90.

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- 242 Amended, 1897, 303. P. S. 157.
- 243 Affected, 1887, 270; 1888, 155; 1892, 260; 1893, 359; 1894, 499; 1895, 362 § 7. (See 1896, 302; 1897, 491.) P. S. 74, 112.
- 244 Superseded, 1893, 469. (See 1888, 112.) P. S. 158.
- 245 Repealed, 1894, 498. P. S. 47.
- 248 Repealed, 1894, 317. P. S. 116.
- 251 Repealed so far as it relates to Boston, 1892, 419 § 138. Affected, 1884, 223; 1888, 86; 1894, 481. § 2 repealed, 1888, 426 § 14. (See 1894, 414.) P. S. 104.
- 252 Extended, 1889, 197; 1896, 476; 1898, 187, 574. P. S. 18.
- 257 Affected, 1884, 307; 1885, 150. P. S. 60.
- 258 In part repealed, 1894, 317. (See 1886, 300; 1887, 214 § 112; 1894, 522.) P. S. 116, 119.
- 260 Affected, 1887, 98. P. S. 97.
- 262 Not repealed by 1885, 302. P. S. 82.
- 263 Superseded, 1884, 289 § 6. P. S. 208.
- 267 Affected, 1887, 447; 1888, 403; 1889, 294; 1897, 329. P. S. 221.
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- 14 Affected, 1887, 128; 1895, 284. P. S. 5.
- 15 § 1 repealed, 1889, 101. P. S. 15.
- 22 § 1 repealed, 1891, 177. P. S. 43.
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- 38 Superseded, 1891, 429. (See 1887, 221.) P. S. 15.
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- 43 § 3 superseded, 1897, 329. P. S. 221.
- 45 Superseded, 1887, 411 § 128. P. S. 14.
- 52 Repealed, 1894, 481. (See 1888, 426.) P. S. 104.
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- 56 Repealed, 1884, 168. P. S. 116.
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- 64 Superseded, 1885, 198. P. S. 47.
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- 78 Affected, 1887, 404; 1891, 265. P. S. 39.
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- 141 See 1895, 215. P. S. 156.
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- 152 Affected, 1884, 255 §§ 33, 34; 1886, 274, 323; 1888, 317; 1894, 440; 1895, 252; 1897, 206, 272; 1898, 240. P. S. 220, 221.
- 154 § 1 amended, 1896, 252. (See 1884, 172; 1888, 160, 375; 1890, 441; 1897, 327.) P. S. 80.
- 155 Superseded, 1890, 309. P. S. 48.
- 162 Repealed, 1888, 390 § 95. P. S. 12.
- 166 Repealed, 1885, 369 § 4. P. S. 4.
- 168 Repealed, 1894, 317. (See 1886, 69.) P. S. 116.
- 171 Amended, 1890, 193; 1891, 138. (See 1888, 276; 1895, 277.) P. S. 91.
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- 174 Extended, 1886, 328. P. S. 203.
- 177 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
- 178 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
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- 185 Affected, 1886, 259 § 2. P. S. 102.
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- 188 Superseded, 1893, 396 § 56. P. S. 154.
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- 191 Affected, 1884, 286; 1887, 406; 1888, 297. (See 1897, 461.) P. S. 100.
- 192 Superseded, 1893, 469. P. S. 158.
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- 199 Affected, 1886, 163; 1889, 292; 1890, 336. P. S. 91.
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 234 Affected, 1898, 433, 438. § 3 amended, 1886, 101 § 4; 1898, 433 § 28. P. S. 87.
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 296 Repealed, 1887, 214 § 112. P. S. 119.
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 323 Affected, 1885, 86, 151; 1895, 428. P. S. 89.
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- 15 Repealed, 1886, 38. P. S. 16.
- 24 § 1 revised, 1890, 302. (See 1885, 371; 1896, 381; 1897, 503.) P. S. 2.
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- 40 Affected, 1892, 268. P. S. 26.
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- 59 Affected, 1888, 405. Amended, 1892, 209. P. S. 157.
- 60 Extended, 1891, 218. P. S. 27, 28.
- 67 Affected, 1885, 161. P. S. 44.
- 71 Repealed, 1894, 498. P. S. 47.
- 73 Extended, 1895, 194. P. S. 207.
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- 87 Superseded, 1891, 410. P. S. 15.
- 92 Repealed, 1894, 317. P. S. 116.
- 98 Affected, 1885, 122; 1894, 399. P. S. 59, 102.
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- 107 Repealed, 1890, 423 § 228. (See 1886, 262.) P. S. 8.
- 108 Repealed, 1890, 423 § 228. P. S. 7.
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- 111 Repealed, 1894, 317. (See 1886, 69; 1887, 196; 1888, 213; 1890, 168.) P. S. 116.
- 121 Affected, 1895, 172. § 1 suspended, 1898, 247 § 3. (See 1887, 216; 1896, 277, 285, 286, 327, 361.) P. S. 117.
- 122 Affected, 1894, 399. P. S. 102.
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- 124 Repealed, 1894, 317. (See 1888, 90 § 2; 1890, 369.) P. S. 116.
- 131 Affected, 1887, 256; 1888, 389, 426 § 13; 1891, 302, 357 § 6; 1898, 261. P. S. 103.

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 144 Repealed, 1886, 53. P. S. 213.
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 149 Extended, 1897, 349. P. S. 57, 154.
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 158 Repealed, 1895, 310. (See 1892, 318.) P. S. 80.
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 198 Repealed, 1894, 498. P. S. 47.
 203 Repealed, 1893, 469. P. S. 158.
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 227 Repealed, 1894, 176. P. S. 41.
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- 242 Repealed, 1889, 192. P. S. 130.
- 246 Repealed, 1890, 423 § 228. (See 1888, 70.) P. S. 7.
- 248 Repealed, 1890, 423 § 228. (See 1888, 436 §§ 10, 26, 29; 1889, 413.) P. S. 7.
- 252 Repealed, 1890, 416 § 7. (See 1888, 388.) P. S. 102.
- 255 Amended, 1887, 290. (See 1898, 562 § 19.) P. S. 147.
- 260 Amended, 1890, 265. P. S. 130.
- 261 Repealed, 1890, 423 § 228. (See 1886, 262; 1890, 419.) P. S. 27.
- 262 Repealed, 1890, 423 § 228. P. S. 7.
- 265 Extended, 1898, 437. § 2 amended, 1886, 101 § 4; 1898, 433 § 28. P. S. 82.
- 266 Extended, 1889, 245; 1895, 449. (See 1896, 521.) P. S. 220.
- 268 Repealed, 1890, 423 § 228. P. S. 7.
- 271 Repealed, 1890, 423 § 228. (See 1886, 68, 264; 1889, 196.) P. S. 6.
- 274 See 1898, 458. P. S. 130, 131.
- 275 Superseded, 1893, 469. P. S. 158.
- 277 Superseded, 1889, 303; 1891, 80; 1892, 354, 399. P. S. 22.
- 278 See 1890, 264. P. S. 82.
- 283 Amended, 1890, 427 § 1. (See 1889, 442; 1893, 340; 1897, 522; 1898, 562 § 85.) P. S. 176.
- 286 See 1898, 256. P. S. 154.
- 287 Affected, 1889, 463. P. S. 221.
- 288 Affected, 1898, 519. P. S. 15.
- 289 See 1897, 237. P. S. 199.
- 291 Amended, 1887, 74; 1892, 133; 1893, 452; 1894, 68, 330. Affected, 1893, 404; 1894, 68, 424; 1896, 459; 1897, 478. (See 1887, 24; 1889, 324; 1895, 153 § 2.) P. S. 159.
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- 293 Affected, 1888, 346 § 1. (See 1887, 286; 1894, 104.) P. S. 178.
- 299 Affected, 1896, 158. P. S. 51.
- 300 Repealed, 1887, 214 § 112. P. S. 119.
- 302 Extended, 1892, 165. P. S. 80, 82.
- 303 See 1887, 339. P. S. 203, 221.
- 304 Amount increased, 1890, 192. P. S. 158.
- 305 See 1890, 70; 1894, 433. P. S. 207.
- 307 Superseded, 1894, 218, 473; 1895, 398. P. S. 80.
- 308 Repealed, 1887, 214 § 112. P. S. 119.
- 309 Extended, 1887, 445. P. S. 102.
- 310 See 1898, 503, 504. P. S. 106.
- 312 Affected, 1891, 221; 1893, 225 § 3, 247, 445. § 4 amended, 1889, 372; 1893, 23. (See 1887, 226.) P. S. 29.
- 313 Repealed, 1896, 397. (See 1887, 267, 431; 1888, 209; 1893, 227, 472; 1894, 435.) P. S. 80.

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- 316 § 1 repealed, 1895, 461. (See 1893, 436.) P. S. 207.
- 318 Superseded, 1893, 469. P. S. 158.
- 320 Affected, 1895, 390. § 2 amended, 1886, 101 § 4; 1898, 433 § 28. P. S. 222.
- 321 Repealed, 1886, 13. P. S. 161.
- 322 Superseded, 1893, 396 § 34. (See 1887, 293.) P. S. 154.
- 323 Affected, 1887, 177; 1889, 419, 423; 1894, 266. P. S. 28.
- 326 Repealed, 1888, 426 § 14. P. S. 104.
- 327 Affected, 1887, 31, 212; 1888, 333; 1889, 111. (See 1894, 143 § 4.) P. S. 20.
- 332 Superseded, 1898, 496 § 1. (See 1894, 320.) P. S. 44.
- 334 Affected, 1891, 129, 204. (See 1890, 173.) P. S. 112.
- 339 Affected, 1885, 385; 1886, 319; 1887, 346; 1889, 414; 1890, 414; 1891, 158; 1892, 53, 229; 1894, 195; 1898, 433, 438. P. S. 87.
- 341 Repealed, 1887, 98 § 16. P. S. 97.
- 342 Affected, 1887, 448; 1890, 284, 452; 1892, 388; 1894, 410; 1895, 419. P. S. 99, 212.
- 344 Affected, 1891, 266; 1893, 301; 1898, 498. P. S. 19.
- 345 § 1 amended, 1886, 203; 1891, 419. § 5 amended, 1887, 36. § 6 affected, 1888, 257 § 4. § 7 repealed, 1887, 329. (See 1886, 45; 1891, 180; 1892, 348; 1893, 376, 417.) P. S. 160.
- 348 Repealed, 1894, 317. P. S. 116.
- 351 Repealed, 1890, 423 § 228; 1893, 417. P. S. 7.
- 352 Amended, 1886, 317, 318; 1896, 398. (See 1891, 58, 412; 1896, 377; 1897, 349.) P. S. 55, 57.
- 353 Affected, 1888, 405; 1889, 406, 417; 1890, 387; 1897, 247. § 4 repealed, 1895, 394. P. S. 157.
- 354 Repealed, 1887, 214 § 112. P. S. 119.
- 355 §§ 1, 2 superseded, 1893, 423 § 10. P. S. 27.
- 358 Amended, 1897, 305. (See 1893, 419.) P. S. 102.
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- 376 Affected, 1889, 185. (See 1890, 408; 1893, 379.) P. S. 144.
- 378 Affected, 1887, 252; 1894, 491; 1895, 476. (See 1892, 195, 432; 1893, 306.) P. S. 58, 90.
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- 384 Affected, 1886, 223; 1887, 332, 383; 1890, 374, 440 § 10; 1892, 127. § 3, see 1893, 396 §§ 24–32; 1894, 173 § 1; 1896, 355, 413. § 5, see 1895, 116. § 14 superseded, 1892, 169. P. S. 152, 178.
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- 15 § 6 in part superseded, 1892, 100. P. S. 154.
- 31 Superseded, 1896, 526. (See 1888, 58; 1892, 271.) P. S. 152.
- 37 § 2 amended, 1890, 294. (See 1887, 243; 1888, 357, 371; 1891, 181; 1895, 369; 1897, 342.) P. S. 159.
- 38 In part superseded, 1886, 334; 1889, 349. Extended, 1891, 233; 1893, 432; 1895, 276, 392; 1896, 326. (See 1893, 224; 1894, 522 § 94.) P. S. 16.
- 39 Repealed, 1889, 301 § 10. (See 1887, 122.) P. S. 30.
- 45 Added to, 1891, 180. Affected, 1886, 203; 1891, 419; 1892, 348. (See 1893, 376.) P. S. 160.
- 49 Repealed, 1890, 423 § 228. (See 1888, 434, 436 § 10.) P. S. 7.
- 51 Amended, 1887, 289. P. S. 188.
- 56 Superseded, 1887, 86; 1890, 242; 1891, 65. P. S. 11.
- 63 Superseded, 1887, 411. P. S. 14.
- 66 § 1 repealed, 1891, 24. P. S. 5.
- 68 Repealed, 1890, 423 § 228. (See 1888, 200, 206; 1889, 196.) P. S. 6.
- 69 Repealed, 1894, 317. (See 1887, 196; 1888, 213; 1890, 168.) P. S. 116.
- 73 Superseded, 1895, 90. (See 1889, 103; 1892, 96.) P. S. 11.
- 74 Affected, 1898, 318. P. S. 26.
- 77 Repealed, 1894, 317. P. S. 116.
- 78 Repealed, 1890, 423 § 228. P. S. 7.
- 82 Repealed, 1887, 391 § 4. P. S. 98.
- 85 Superseded, 1888, 362. P. S. 11.
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- 90 Repealed, 1887, 280 § 2. P. S. 74.
- 93 Repealed, 1894, 317. (See 1889, 180; 1893, 254.) P. S. 116.
- 95 Repealed, 1890, 168. P. S. 116.
- 101 § 1 repealed, 1898, 433. § 3 amended, 1889, 370. (See 1898, 443.) P. S. 79.
- 105 Superseded, 1887, 411. P. S. 14.
- 106 Superseded, 1893, 479. P. S. 154.
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- 130 In part superseded, 1888, 195. P. S. 154.
- 132 Affected, 1896, 176. P. S. 23.
- 133 Affected, 1886, 176. P. S. 23.
- 137 See 1890, 266. P. S. 134.
- 140 See 1889, 154; 1895, 362; 1896, 302; 1898, 578 § 11. P. S. 113.
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- 155 Superseded, 1889, 28. P. S. 154.
- 158 Superseded, 1893, 479. P. S. 154.
- 163 Affected, 1889, 292; 1890, 336. P. S. 91.
- 165 See 1893, 370; 1897, 260. P. S. 154.
- 166 Superseded, 1893, 479. P. S. 154.
- 167 Superseded, 1893, 479. P. S. 154.
- 169 Repealed, 1887, 438. P. S. 16.
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- 189 Superseded, 1894, 352. (See 1893, 469.) P. S. 158.
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- 207 See 1892, 333; 1898, 67. P. S. 37.
- 210 Affected, 1891, 97; 1892, 245; 1893, 65, 380; 1894, 528; 1895, 117, 127, 227; 1896, 236, 251; 1897, 274. (See 1892, 402.) P. S. 50.
- 214 See 1898, 436. P. S. 17.
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- 264 Repealed, 1890, 423. (See 1888, 146.) P. S. 7.
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- 164 Superseded, 1894, 415. P. S. 25.
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- 178 Affected, 1892, 353; 1893, 51; 1898, 172. P. S. 103.
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- 252 Repealed, 1894, 491. (See 1892, 195; 1893, 306.) P. S. 58, 80, 90.
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- 270 Amended, 1888, 155; 1892, 260; 1893, 359; 1894, 499; 1897, 491. (See 1890, 83, 181; 1895, 362 § 7.) P. S. 74, 112, 113.
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- 132 See 1895, 227; 1897, 116. P. S. 50.
- 137 § 1. See 1898, 219. § 2 in part superseded, 1892, 249. P. S. 103.
- 141 Repealed, 1897, 153 § 14. (See 1890, 380.) P. S. 23.
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- 154 See 1890, 451. P. S. 167.
- 157 See 1890, 210 § 9. P. S. 20.
- 158 § 1 amended, 1891, 174. P. S. 24.
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- 168 Repealed, 1894, 317. P. S. 116.
- 173 See 1891, 204. P. S. 112.
- 175 Repealed, 1893, 417. (See 1890, 423 § 155.) P. S. 7.
- 179 Repealed, 1894, 481. P. S. 104.
- 180 See 1890, 278; 1894, 214, 249; 1895, 273; 1898, 393 § 7. P. S. 219.
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- 196 Affected, 1896, 190. § 2 amended, 1891, 49; 1892, 147. (See 1893, 78, 403; 1897, 254, 428.) P. S. 54.
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- 198 Affected, 1896, 384. P. S. 22.
- 199 See 1891, 341; 1894, 541; 1895, 311; 1896, 369. P. S. 106.
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- 219 Repealed, 1893, 417, § 106. (See 1890, 423 §§ 75, 109, 118; 1891, 256.) P. S. 7.
- 222 Repealed, 1894, 317 § 17. P. S. 116.
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- 278 See 1894, 214, 249; 1895, 273; 1898, 393 § 7, 433, 443. P. S. 88, 219.
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 352 Repealed, 1894, 508. (See 1892, 357.) P. S. 74.
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 359 See 1895, 394. P. S. 157.
 361 See 1894, 160, 270, 406. P. S. 212.
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- 438 See 1893, 129; 1894, 532; 1895, 39, 490. P. S. 5.
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- 41 Repealed, 1895, 434. P. S. 98.
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- 51 See 1898, 172. P. S. 103.
- 54 Superseded, 1894, 522 § 51. P. S. 119.
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- 253 See 1894, 498; 1898, 496. P. S. 48.
- 254 Repealed, 1894, 317. P. S. 116.
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- 308 Repealed, 1893, 417. P. S. 7.
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- 435 Repealed, 1896, 397. P. S. 100.
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- 437 Superseded, 1894, 508. P. S. 74.
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- 449 Repealed, 1895, 502. P. S. 7.
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- 452 Affected, 1894, 472. (See 1894, 462, 502.) P. S. 105, 106.
- 454 Affected, 1895, 228; 1898, 268, 277. P. S. 104.
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- 462 Affected, 1894, 472, 543; 1896, 409; 1897, 337. (See 1894, 502.)
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- 471 Superseded, 1898, 496 § 1. P. S. 44.
- 472 Affected, 1894, 501, 543; 1896, 409, 473, 544 § 3; 1897, 337. P. S.
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- 473 Superseded, 1898, 548. (See 1895, 398, 506.) P. S. 27, 80.
- 476 See 1894, 501, 503; 1896, 409, 473, 544 § 3; 1897, 337. P. S. 105.
- 479 § 1 amended, 1898, 121. (See 1898, 351.) P. S. 53.
- 481 Affected, 1895, 310, 396, 418; 1898, 167, 261. (See 1894, 499.)
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- 483 See 1895, 283, 305; 1896, 466; 1897, 121; 1898, 473, 530. P. S.
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- 491 Affected, 1898, 451. §§ 1, 2 affected, 1895, 476. §§ 4, 6, 17-22,
27, 45 amended and 46, 49 repealed, 1895, 496. (See 1896, 276;
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- 493 See 1895, 286, 429; 1898, 433. P. S. 87.

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- 496 See 1898, 465. P. S. 157.
- 497 Affected, 1895, 347; 1896, 345, 513, 541; 1898, 365. § 1 amended, 1898, 476. §§ 2, 4 amended, 1897, 355. § 5 in part repealed, 1897, 153 § 14. § 8 affected, 1896, 481; 1897, 340; 1898, 539. (See 1895, 486; 1898, 404 § 4.) P. S. 49.
- 498 §§ 1, 3-29 superseded, 1898, 496. (See 1894, 515; 1895, 216; 1896, 360; 1898, 315.) P. S. 47.
- 499 See 1895, 362 § 7; 1896, 302; 1897, 491. P. S. 112.
- 501 See 1896, 473, 544 § 3. P. S. 109.
- 502 See 1896, 409, 544 § 3. P. S. 113.
- 503 Repealed, 1898, 499 § 2. P. S. 61.
- 504 Superseded, 1895, 489, 502, 507; 1896, 393, 469; 1898, 171, 191. P. S. 6, 7.
- 506 Affected, 1897, 213. P. S. 113.
- 508 Affected, 1896, 241, 288, 449, 494. § 1 amended, 1895, 129. §§ 13, 14, 16-25, 67, 69, 70 repealed, 1898, 494 § 9. §§ 44, 45, 47 amended, 1898, 150. § 49 amended, 1898, 394. § 51 affected, 1896, 241. §§ 51-54 extended, 1895, 438; 1896, 334; 1898, 481. §§ 55, 56 affected, 1894, 534; 1895, 144. P. S. 48, 74.
- 509 Affected, 1896, 466. (See 1895, 283; 1897, 121; 1898, 530.) P. S. 80.
- 511 Extended, 1895, 400. P. S. 80.
- 514 Affected, 1897, 516. P. S. 170.
- 515 § 5. See 1898, 433 § 28, 496 § 11. P. S. 47, 80.
- 519 Repealed, 1896, 517 § 8. (See 1895, 501.) P. S. 21, 74.
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- 235 Superseded, 1897, 413 § 9. P. S. 104.
- 237 Repealed, 1898, 548. (See 1895, 262; 1896, 469 § 5.) P. S. 7.
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- 239 Superseded, 1897, 413 § 9. (See 1895, 314.) P. S. 104.
- 240 Repealed, 1898, 548. P. S. 7.
- 242 Repealed, 1898, 548. P. S. 7.
- 244 Repealed, 1898, 548. (See 1897, 91.) P. S. 7.
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- 262 Repealed, 1898, 548. (See 1896, 469 § 5.) P. S. 6.
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- 271 See 1895, 281. P. S. 119.
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- 275 Repealed, 1898, 548. (See 1896, 469 § 8.) P. S. 7.
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- 283 Affected, 1896, 466. P. S. 80.
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- 299 Repealed, 1898, 548. (See 1896, 363 § 2, 498.) P. S. 7.
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- 337 See 1896, 162, 308. P. S. 100.
- 340 Affected, 1898, 474. (See 1896, 102, 515.) P. S. 119.
- 347 Superseded, 1897, 340. (See 1895, 486; 1896, 481, 513.) P. S. 49.
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- 355 Repealed, 1898, 548. (See 1898, 423.) P. S. 6.
- 356 Affected, 1896, 78. P. S. 112.
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- 438 Affected, 1896, 241. § 1 superseded, 1898, 481. (See 1896, 334.) P. S. 74.
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- 474 §§ 1, 2 amended, 1896, 447. P. S. 119.
- 476 See 1895, 496. P. S. 58, 90.
- 482 Superseded, 1896, 357. P. S. 23.
- 483 See 1898, 213. §§ 10, 11 amended, 1898, 433 § 28. P. S. 87.
- 486 Repealed, 1896, 513. (See 1896, 245, 481.) P. S. 49.
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- 494 See 1896, 237, 359; 1898, 210. P. S. 49, 50.
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- 507 Repealed, 1898, 548. (See 1896, 109, 435, 469; 1898, 171, 191, 379, 435, 472.) P. S. 6, 7.
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- 334 Superseded, 1898, 481. (See 1896, 449.) P. S. 74.
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- 363 Repealed, 1898, 548. (See 1896, 469, 547 § 1; 1897, 210, 530.) P. S. 6.
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- 476 Extended, 1898, 187, 574. P. S. 18.
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- 518 Superseded, 1898, 548. (See 1898, 378.) P. S. 7.
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- 546 See 1898, 167, 261. P. S. 102.
- 547 Repealed, 1897, 296; 1898, 548. P. S. 6.
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- 148 § 1 amended, 1898, 370. P. S. 11.
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- 185 Affected, 1898, 298. P. S. 49, 80.
- 202 § 2 amended, 1898, 340. (See 1897, 442.) P. S. 44, 49.
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- 228 Superseded, 1898, 474 § 11. P. S. 119.
- 233 Affected, 1898, 361. P. S. 100.
- 236 See 1898, 315. P. S. 48.
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- 296 Repealed, 1898, 548. (See 1898, 401.) P. S. 6.
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- 340 Superseded, 1898, 539. P. S. 49.
- 355 § 3 affected, 1898, 365, 476. P. S. 49.
- 359 Superseded, 1898, 372. P. S. 154.
- 374 Superseded, 1898, 396. P. S. 84.
- 382 See 1897, 466. P. S. 162.
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- 482 Repealed, 1898, 548. (See 1897, 530.) P. S. 7.
- 492 § 2 amended, 1898, 64. P. S. 106.
- 500 See 1898, 578 § 28. P. S. 113.
- 503 Repealed, 1898, 76. P. S. 2.
- 508 Affected, 1898, 312. § 2 amended, 1898, 384. (See 1898, 56, 206.) P. S. 159.
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- 522 § 1 superseded, 1898, 457. (See 1898, 514, 562 § 85.) P. S. 126, 152, 175.
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- 530 Repealed, 1898, 548. (See 1898, 171, 191, 379, 435, 472.) P. S. 6, 7.

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- 83 Repealed, 1898, 548. P. S. 7, 27.
- 121 See 1898, 351. P. S. 52.
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- Res. 7. See 1898, 88. P. S. 1.

Commonwealth of Massachusetts.

OFFICE OF THE SECRETARY, BOSTON, August 30, 1898.

I certify that the acts and resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the tables showing what general statutes have been affected by subsequent legislation have been prepared, and are printed as an appendix to this edition of the laws, by direction of the governor, in accordance with the provisions of chapter 238 of the Acts of 1882.

WILLIAM M. OLIN,

Secretary of the Commonwealth.

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